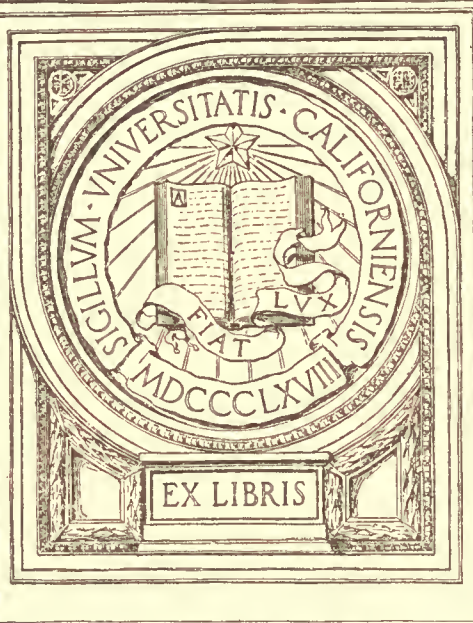


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RELATIONS BETWEEN THE UNITED STATES AND MEXICO  
FROM 1868 TO 1882.

A Thesis submitted in partial satisfaction of the  
requirements for the degree of  
Master of Arts  
at the University of California.

by

Minnie McDonald Paisley

- - -

Berkeley, September 1913.

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## INTRODUCTION.

## a. THE RIO GRANDE FRONTIER.

In 1868, the opening of the period covered by this paper, conditions on the border between the United States and Mexico were a fruitful source of trouble between the two countries. To understand the situation it is necessary to consider the nature of the country and the character of the inhabitants on the frontier. For more than a thousand miles the Rio Grande forms the boundary between the United States and Mexico, bordered on the Mexican side by Chihuahua, Coahuila, Nuevo Leon, and Tamaulipas. The last extends for two hundred and fifty miles along the lower Rio Grande and contains the towns of Matamoros, Reynosa, Camargo, Miern, and Guerrero near the border. Next to the west is the small state of Nuevo Leon, then Coahuila and Chihuahua. The upper part of this region is broken and mountainous on both sides of the river, and with the single exception of a Mexican settlement at San Carlos, was inhabited only by roving bands of Indians on the Mexican side.

The inhabitants of these Mexican border states included many lawless characters who here found a refuge. The people of Chihuahua and Coahuila seem in general to have been a fairly respectable class and friendly to the United States, but the inhabitants of Tamaulipas were hostile to the United States and had among them many



refugees from the revolutionary armies. General Ord said: "I am - - - credibly informed that the State of Tamaulipas, or the part of it bordering the Lower Bravo, is infested with a large number of deserters and plunderers, mainly from the French and other revolutionary armies; that idlers and ignorance abound and the country is going to decay; but that as we ascend the river the Mexican population becomes more intelligent and industrious; that especially in Chihuahua the people are enterprising, schools abound, and industry is rapidly developing the resources of a rich country."<sup>1</sup> The United States consul at Monterey concurred in this belief that the population of the lower Rio Grande contained a disorderly element.<sup>2</sup> The lawless character of part of the inhabitants of the border states then, together with local prejudice, the fact that these states were so often in rebellion, and that Diaz after he became President was too much engaged in establishing his power in the central part of Mexico to spare troops for the border, made it difficult for the government of Mexico to preserve order on the border however desirous it was of doing so.

1. Reports of Com. 44 Cong., 1 Sess., Serial No. 1709, doc. 343, p. 120, Gen. Ord to the Sec'y of State, Oct. 4, 1878.

2. Report of Com. 45 Cong., 2 Sess., Report 701, p. 121, Mr. Ulrich to Mr. Hunter, April 27, 1875.



On the Texas side of the river between the Rio Grande and the Nueces were the counties of Cameron, Hidalgo, Starr, Webb, La Salle, Enci<sup>ny</sup>val, Duval, Zapata, Live Oaks, McMullen and Nueces. At the beginning of the period mentioned above, the southwestern part of the state was almost uninhabited, Eagle Pass being the only place where there was any considerable number of persons, from Laredo to El Paso.<sup>1</sup> For four hundred and fifty miles above the mouth of the Rio Grande, indeed, there were military posts, but between Fort Clark and the western boundary of the state there were even no troops, the next post being Fort Quitman in New Mexico. A stage route extending through Texas to Yuma, Arizona, carried the mail.<sup>2</sup> In these sparsely settled regions there was much disorder. The United States commander in Arizona reported that he had been employed by the order of the President in putting down practical anarchy in the states adjacent to his post.<sup>3</sup> The condition of the country between the Nueces and the Rio Grande is shown by the fact that the Mexican consul when he wanted to visit his family at Camargo, the Catholic bishop in visiting his flock, and the county judge in

1. House Misc. 45 Cong., 2 Sess., Serial No. 1824, doc. 64, p. 121, Mr. Ulrich to Mr. Hunter, April 27, 1875.

2. House Misc. 45 Cong., 2 Sess. Serial No. 1824, doc. 64, p. 36, Testimony taken by Com. on Military Aff. Rel. to Texas.

3. Report of Mexican Border Commission p. 72-73.





going

^ from one town to another asked for, and received, military escort.<sup>1</sup>

Of this then widely scattered population between the Rio Grande and the Nueces it was estimated that eighty per cent were of Mexican origin. The resident Mexicans were regarded as respectable citizens, but there was a floating element claiming Mexico as their home who, visiting the ranches in Texas to obtain temporary employment, made trouble. These <sup>men</sup> sympathized with the raiders from the other side and acted as spies and informants for them.<sup>2</sup>

#### b. ATTITUDE OF MEXICO TOWARD THE UNITED STATES.

In the border settlements between the United States and Mexico, the natural hostility of people differing in race, religion and government had been augmented by the annexation of Texas. The bitterness resulting from this loss of territory, although held in abeyance for a time by the gratitude of the people of Mexico for the intervention of the United States which led to the withdrawal of the French, is manifest throughout the period covered by this paper, in the jealous guarding of their frontier from any further encroachment by the United States and in all those harassing restrictions upon foreign ownership

1. Reports of Com. 45 Cong., 2 Sess., p. 176, from testimony of Gen. Ord, Feb. 12, 1876.

2. Report of Com. 45 Cong., 2 Sess. Report 701, p. VIII, IX.





of mines and land to be noted later in detail. This hostile attitude<sup>x</sup> continued, through fear of the United States as a stronger nation, and through the belief that expansion was the policy of that nation. This belief in and fear of the expansion policy of the United States is shown in the words of Señor Chavero in a speech in the Mexican Congress in 1878: "But we have seen during the administration of the Republican party that General Grant, our friend, did not hesitate to state in a message that the manifest destiny of the United States was to acquire territory. Very well; today things have changed; the Democratic party, our enemy, has such influence in the United States that it already has the ascendancy and influence of Mr. Hayes himself, and Mr. Hayes has given no other proof of regard than the postponement of our recognition for a year and a half."<sup>1</sup> It was not until after the liberal party triumphed in Mexico and the government of Diaz was firmly established that more friendly relations were gradually established between the two countries.

~~Growing~~ Out of the frontier situation, the jealous attitude of Mexico toward the United States, and the revolutions in the former country to be noticed later, are<sup>se</sup> the various subjects of diplomatic correspondence with

1. Sen. Doc. 45 Cong., 3 Sess., Serial No. 1831, doc. 73, Chavero's Speech, May 22, 1878.



which this paper is concerned. These topics were <sup>principally</sup> those relating to a commission to settle existing claims for damages due citizens of each government from the other; the troubles on the frontier; the regulation of commerce between the two republics; the restrictions and grievances of citizens of the United States residing in Mexico; and the position of the United States in regard to the revolutions in Mexico; and the changes in the relations of the two republics during this period.



## THE CLAIMS COMMISSION.

Of all these subjects which necessitated diplomatic correspondence between the two countries during this period the first that requires attention is that of claims extending over a long period, for damages on the part of citizens of Mexico against the government of the United States and vice versa. These claims grew out of a variety of causes, among which were forced loans, losses by military operations, seizure of private property and forced military service on the part of citizens of the United States; and on the part of citizens of Mexico, injuries committed by the Indians after the treaty of 1848 and contrary to the terms of that treaty. To settle these claims, after some negotiations, a treaty was formed for the appointment of a commission to decide upon them. The work of this commission extended over several years; a large amount of evidence was heard, numerous claims were decided upon, some awarded damages but a still larger number rejected. A large indemnity was awarded to citizens of the United States and in two cases the belief that awards had been obtained by fraudulent evidence led to long correspondence covering many years.

The negotiations leading to the appointment of the Claims Commission were begun by Mr. Seward, Secretary of State, with a view to stopping forced loans and military



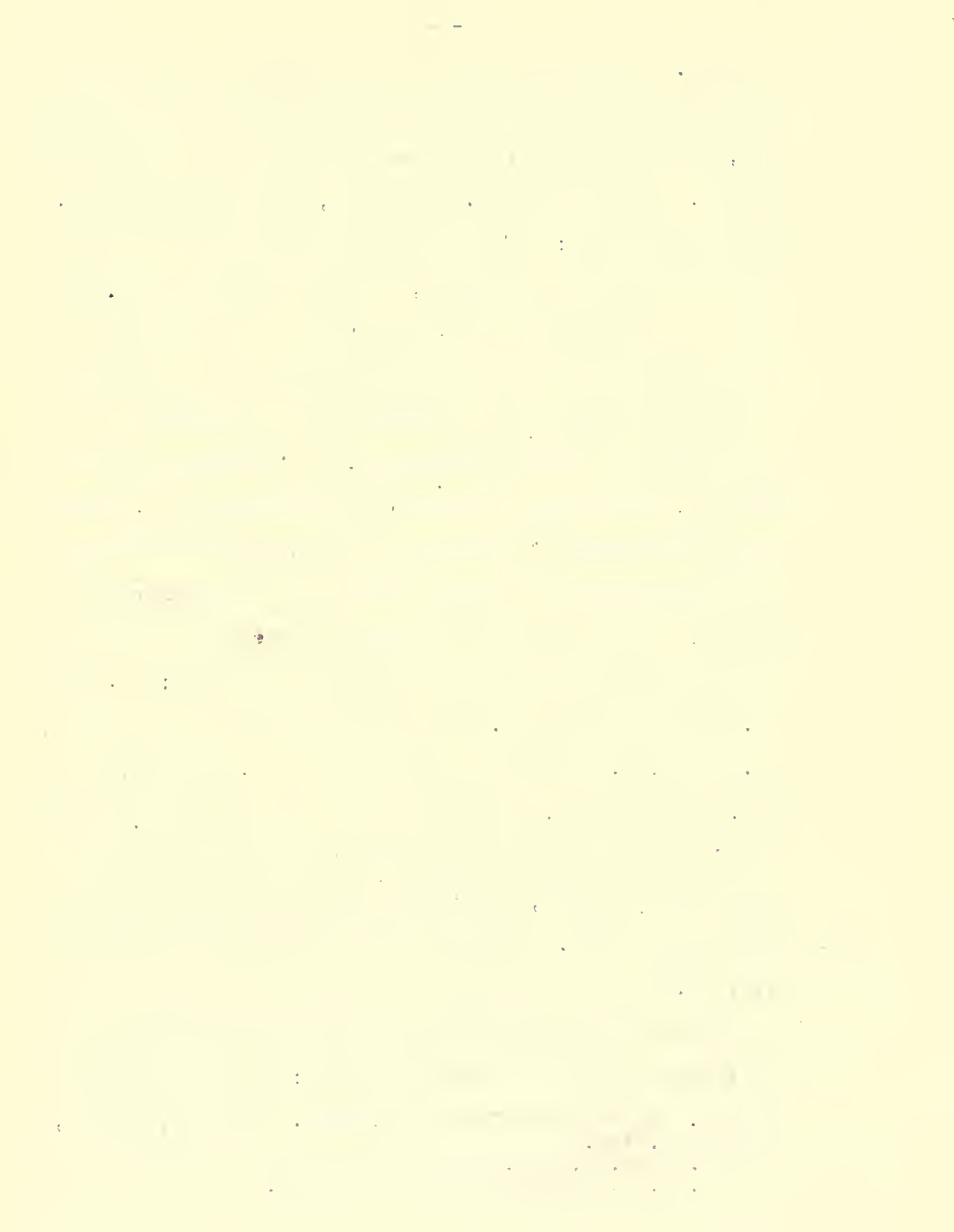
service.<sup>1</sup> But the condition of the Mexican government was not conducive to a speedy settlement of claims against her, and the United States was not disposed to press the matter. Writing to Mr. Otterborg, August 8, 1867, Mr. Seward said that: "In the present unsettled condition of the government of Mexico, it is not deemed compatible with the interests of this government nor conducive to an establishment of friendly understanding with the Republic of Mexico to press with importunity the pecuniary claims of citizens of the United States."<sup>2</sup> A "Claims Convention", however, was finally concluded between William H. Seward and Matías Romero "to maintain and increase the friendly feelings between the United States and the Mexican Republic, and so for the adjustment of the said claims and complaints," containing the following articles: I. Claims, II. Commissioners, III. Time for presenting and decision, IV. Award, V. Finality of Settlement, VI. Records, etc., VII. Ratification. Negotiations for this "Claims Convention" were concluded July 4, 1868; it was ratified by the Senate July 25, 1868; and signed by the President, January 25, 1869. Ratifications were exchanged February 1, 1869.<sup>3</sup>

The claims covered by the treaty are shown in part of Article I, which reads as follows: "All claims on

1. Messages and Documents, Dept. of State, Part 2, 1867-8, p. 544.

2. Ibid. p. 388.

3. U. S. Treaties and Conventions.





the part of corporations, companies, or private individuals of the United States, upon the Government of the Mexican Republic, arising from injuries to their persons or property by authorities of the Mexican Republic, and all claims on the part of private corporations, companies or private individuals, citizens of the Mexican Republic upon the Government of the United States, arising from injuries to their persons or property by authorities of the United States, which may have been presented to either government for its interposition with the other since the signature of the treaty of Guadalupe Hidalgo between the United States and the Mexican Republic of the 2d of February, 1848, and which yet remain unsettled, as well as any other such claims which may be presented within the time herein after specified, shall be deferred to two commissioners, one to be appointed by the President of the United States, by and with the advice and consent of the Senate, and one by the President of the Mexican Republic." The rest of the article deals with the appointment of a new commissioner in the case of the death of either; the oath to be taken by the commissioners to decide according to public law, justice, and equity, without fear or favor; the choosing of an umpire jointly by the commissioners, or if they cannot agree upon one, the naming of the one to try any particular case to be deter-



mined by lot.<sup>1</sup>

According to Article II, the Commission shall proceed to investigate "upon such evidence or information only as shall be furnished by or on behalf of their respective governments." If required, they are to hear one person on each side for each case. If they do not agree, the case is to be referred to the umpire, who, in the same manner, after consulting with the commissioners, shall decide thereupon "finally and without appeal." The decision of the commissioners and of the umpire in each case is to be given in writing, and the President of the United States and the President of the Mexican Republic agree to consider the decisions of the commissioners jointly, or of the umpire, as the case may be, absolutely final, and "to give full effect to such decisions without any objections, evasion, or delay whatsoever."<sup>2</sup>

Article III limited the time of the Commission as follows: "Every claim shall be presented to the commissioners within eight months from the day of their first meeting, unless in any case where reasons for delay shall be established to the satisfaction of the commissioners, or of the umpire, in the event of the commissioners differing in opinion thereupon, and then in any such case

1. Ibid.
2. Ibid.



the period of presenting the claim may be extended to any time not exceeding three months longer.

"The commissioners shall be bound to examine and decide upon every claim within two years and six months of their first meeting. It shall be competent for the Commissioners conjointly, or for the umpire if they differ, to decide in each case whether any claim has or has not been duly made, preferred, and laid before them, either wholly, or to any and what extent, according to the true intent and meaning of this convention."<sup>1</sup>

Article IV decided how and when the awards were to be paid. The total amount awarded to the one party was to be deducted from the total amount awarded to the other party, and the balance, to the amount of \$300,000 was to be paid at the city of Mexico on the dissolution of the commission, to the government in favor of whose citizens the greater amount had been awarded. In regard to the remainder, the treaty said: "The residue of the balance shall be paid in annual installments to an amount not exceeding \$300,000 in gold or its equivalent, in any one year until the whole shall have been paid."<sup>2</sup>

By Article V the contracting parties agree "to consider the results of the proceedings of this commission as a full, perfect, and final settlement of every claim

1. Ibid.

2. Ibid.



prior to the exchange of the ratifications of this convention whether such claim has been presented or not." According to Article VI the commissioners were to decide on rules of proceeding and to employ two secretaries to keep an accurate record of their meetings. Each government was to pay its own commissioner, but the pay of the umpire was to be decided by mutual agreement after the close of the convention. Article VII provided for the proper ratification of the treaty.

After the ratification of the Convention the Commissioners and their assistants were appointed. The President of the United States appointed the Hon. Henry Wadsworth of Kentucky, as commissioner, and the President of Mexico appointed Señor Don Francisco Gómez Palacio. These commissioners, after various conferences, chose Dr. Francis Lieber of New York as umpire. Mr. Joseph Ashton was appointed agent for the United States, and the Hon. Caleb Cushing, of Massachusetts, was agent for Mexico. The agent of the United States was assisted at various times by the Hon. William Marvin of New York, and the Hon. Chas. P. James of Ohio. The secretaries of the Commission were Mr. George G. Garther, of Kentucky, and Señor J. Carlos Mexia of the City of Mexico.<sup>1</sup> Such was the personnel of the commission as first formed, but before

1. Ex.Doc. 48 Cong., 1 Sess., doc. 103, Serial No. 2205





it ended changes were made in the person of the Mexican commissioner, of the umpire, of the agents, and of the secretaries.

The first meeting of the commission was July 31, 1869, and this meeting and the next two sessions of August tenth and eleventh were devoted to organizing the commission and adopting rules of procedure.<sup>1</sup> According to the terms of the convention the Commission was for the purpose of settling claims arising after February second, 1848, and before February, 1869, the date of the exchange of ratifications. Thus claims already presented but still unsettled, as well as those presented for the first time, were to be decided upon by the Commission. Claims numbering 330 already lodged in the Department of State and in the American legation at the City of Mexico were presented soon after the organization of the Commission.<sup>2</sup> These were far exceeded in number by claims now first presented but these included many that were known to be fraudulent. The time allowed for presenting these new claims was, as we have seen, eight months after the first meeting, but under the authority of Article III the Commissioners extended the time for three months longer.

1. Rodríguez, "Commission Mixta," p. 12.

2. Ex. Doc. 48 Cong., 1 Sess., doc. 103, Serial No. 2205.



Within the first eight months the claims entered against Mexico were 894, and against the United States 908. Within the next three months 123 were entered against Mexico and 90 against the United States, making a total of 1,018 against Mexico and 998 against the United States. The claims against Mexico with interest and damages amounted to \$470,126,613.40, those against the United States amounted to \$86,661,891.15.<sup>1</sup>

By the rules of procedure, the commissioners were to hear one person on each side for each case. Each government, therefore, appointed an agent "to present and support claims in its behalf, and to answer claims made upon it, and to represent generally all matters concerned with the investigation and decision of the claims." The evidence in the cases of American claims against Mexico was taken by private agents or counsel of the claimants, the agent of the United States assuming no responsibility of proof. The duty of obtaining evidence to combat the Mexican claims against the United States was given entirely to the agent of the United States, upon whose advice in the more important cases especial agents were sent to Mexico to collect evidence. After hearing the evidence gathered by the agents, the commissioners made their decision. Disagreement between the Commissioners

1. Ibid.



was the rule, so that the umpires decided a large number of cases. In all such cases two separate and independent hearings were given.

In one case, one Commissioner refused to refer the case in dispute to the umpire. The case in question was that of Rafael Aguirre, one of 366 claims of Mexican citizens against the United States arising from Indian depredations and depending upon the interpretation of a clause in the treaty of 1853.<sup>1</sup> As the two Commissioners differed in their interpretation, the Mexican Commissioner declared the point to be a matter of international law which could only be decided by a new treaty, while the American Commissioner claimed that the case came within the jurisdiction of the Commissioners. Continued discussion by letters and by a public session failing to bring an agreement, the work of the Commission was suspended and the matter referred to the respective governments. The expiration of the time limit of the Convention and the renewal of the same by a new Convention, gave Mexico the opportunity to withdraw her Commissioner without recalling him and the matter reached an adjustment.

The case in dispute had been begun while Señor Palacio was the Mexican Commissioner, but he resigned and General Guzmán was appointed in his place. When General

1. Rodríguez, "Mixta Commission."



Guzmán took his seat on the Commission, the papers had not yet been delivered to the umpire, and Guzman asked permission to examine the same "for the purpose of ascertaining if he might be able to affect an agreement with his colleague, and save the necessity of reference to the umpire which had been ordered by the board in the event he should be able to agree with his colleague."<sup>1</sup> Consent was given and his subsequent action is related as follows, by Mr. Wadsworth, the American Commissioner:

"On the eighth of July ensuing, Commissioner Guzman, without any previous notice of his intention to write an opinion in the cases at all, placed in the hands of his colleague his written opinion on the claims, in which on perusal it was discovered that he expressed much dissatisfaction with the manner in which his predecessor on the board, (Mr. Palacia), the Mexican agent, and the counsel for the Mexican government, had discussed the claims, and had then proceeded to decide, himself, that the Board of Commissioners had arrogated to itself the right to decide questions over which it had no authority; that in point of fact the board had no right to decide upon the claims at all, nor had the umpire, that only the two governments could dispose of the claims, and that by a new treaty; that his colleague ought to unite with him





in a petition to the two governments to make such a disposition of them, in the meantime suspending the claims, not deciding for or against them, but 'keeping them intact;' and if his colleague would not take this course, he resolved 'under all circumstances' ( de todas Maneras) himself to make such an appeal to his own government; the determined purpose of Commissioner Guzman to prevent a decision in these claims by the umpire and to withdraw them from any danger of a decision pro or con, being very plain throughout his said opinion."<sup>1</sup>

The clause upon the interpretation of which hinged this discussion, was Article II of the treaty of 1853 between the United States and Mexico, which abrogated Article XI of the treaty of Guadalupe Hidalgo by which the United States had bound itself to prevent hostile incursions of Indians from the United States into Mexico. Señor Guzman contended that the English and Spanish versions of this article of the treaty did not agree, that "eximir" did not mean "to release" and that in the Spanish text there was no equivalent for "all liability on account of," and that according to the Spanish version, although the United States was not responsible for Indian raids after 1853, she was responsible for those be-

1. Ibid.



tween 1848 and 1853. He held that a legislative act was necessary to alter or reform one of the texts. The following are the Spanish and English versions of the Article in question:

"El Gobierno de Mexico por este Articulo exime al de los Estados Unidos de Las obligaciones del articulo II del tratado de Guadalupe Hudalgo, y dicho article, y el 33 del tratado de armistad, commercio y navegacion entre los Estados Mexicanos y los Estados Unidos de America, y concluido en Mexico el dia 5 de Abril de 1831, quedan por este derogado."

"The Government of Mexico hereby releases the United States from all liability on account of the obligations contained in the eleventh article of the treaty of Guadalupe Hidalgo; and the said article and the thirty-third article of the treaty of amity, commerce, and navigation between the United States of America and the United Mexican States concluded at Mexico, on the fifth day of April, 1831, are hereby abrogated."<sup>1</sup>

As stated above, a deadlock between the Commissioners resulted from this difference of opinion, which was only ended by the withdrawal of Señor Guzman. Señor Zamacoma, who succeeded him, permitted the case to be referred to the umpire, and the latter rendered a decision, allowing the motion to dismiss the same filed by the agent of

1. Ibid.



the United States, and "pursuant to that judgment, all claims of this class were finally dismissed by the Commission.<sup>1</sup>

Before the Aguirre case was ended, it was again necessary to extend the time limit, which had already been once extended. A new convention between the two countries, April 19, 1871, had prolonged the time for one year beyond the period when it would naturally have ended, according to the former convention. This convention in turn was renewed for two years by a convention entered into November 27, 1872, but the two governments allowed the time limit of the convention of 1871 to expire before the convention of 1872 was ratified. Hamilton Fish and Ignacio Mariscal, therefore, on the day the Commission would expire, issued a protocol, saying that as a convention to prolong the Commission had been signed, but because of "unavoidable circumstances" had not been ratified, the rooms occupied by the said Commission should be retained and that the papers and documents should remain in the hands of the respective secretaries until the pleasure of the two governments should be known. The convention of 1872 was ratified July 17, 1873. In November, 1874, a new convention again extended the time of the Commission for one year from the date it would have expired; that is, until January 31, 1876, with the privilege of

1. Ex. Doc., 48 Cong., 1 Sess., doc. 103, Serial No. 2205.



still further extending the time of the umpire. This final privilege was also made use of, the umpire serving nine months longer than the Commissioners.<sup>1</sup> Although the time of the Commission was so often extended or prolonged, the time for presenting claims was never extended. The Commissioners finally finished their work January 31, 1876, and the umpire completed his decisions by November 20, 1876.

The Commission transacted a great mass of business and heard over two thousand cases, the greater part of which were disallowed. The decision of the umpire in the Aguirre case had disallowed three hundred and sixty-six similar claims amounting to over \$31,000,000, brought against the United States on account of Indian depredations between February 2, 1848, and December 30, 1853.<sup>2</sup> One hundred and fifty claims known as the Piedras Negras' cases, treated by the Commission as one case, were allowed against the United States, as were seventeen others of a miscellaneous nature.<sup>3</sup>

Altogether 186 claims were allowed against Mexico,

1. United States Treaties and Conventions.

2. Ex. Doc. 48 Cong., 1 Sess., doc. 103, Serial No. 2205.

3. U. S. For. Rel. 2 Sess., 44 Cong., Appendix C, report dated Nov. 23, 1876.





of which 21 were awards of \$2,500 or more, and less than \$5,000 each; 28 of \$2,000 or more and less than \$2,500; 13 for more than \$1,000 and less than \$2,000; 22 for \$1,000 each; 10 for more than \$500 and less than \$1,000; 9 for \$500 each; 4 for less than \$500 each, of which 8 are for \$100, and 1 for \$40.20.<sup>1</sup> The award of the umpire in the famous case of the "La Abra Mining Co." was 358,791.06 Mexican gold dollars with interest at 6% from March 20, 1868, to the date of the final award, and further the sum of \$100,000 with the same interest from March 20, 1869 to the said date of final award. To Benjamin Weil the award of the umpire was \$85,000 with interest at 6% from the twentieth of September, 1864, to the date of the final award.<sup>2</sup> The claims presented may be briefly summarized as follows:

Claims against the United States by Mexico 998

" allowed " " " " " 167

" against Mexico by the United States 1,017

" allowed " " " " " 186.

The amount awarded citizens of the United States exceeded that awarded to citizens of Mexico, leaving the balance in favor of the United States to be paid in installments according to the treaty. Although in the throes of a

1. Sen. Misc. 44 Cong., 2 Sess., doc. 22, Serial No. 1722.

2. Report of House Com. 27, 45 Cong., 2 Sess., Serial No. 1822.



revolution and almost bankrupt, the Mexican government proved its good faith by accepting the decision of the Commission and promptly paying the first installment of indemnities, <sup>when</sup> ~~as~~ it fell due.

Although the Commission had finished its work and its decisions had been accepted, later evidence after the decision of the umpire had been made, seemed to prove that two cases in which awards had been made against Mexico were fraudulent, and that government appealed to the justice of the United States to set aside these awards. The justice of the appeal won for it consideration by the authorities of the United States, but the technical difficulties in the way of reversing the decision, resulted in long and tedious negotiations.

The beginning of these negotiations was a letter addressed to Señor Ignacio Mariscal, <sup>the Ambassador,</sup> by Eleuterio Avila, the agent for Mexico, saying that the Mexican government regarded the work of the Commission as "a full, perfect, and final settlement of all claims referred to in said convention; reserving nevertheless the right to show, at some future time, and before the proper authorities of the United States, that the claims of Benjamin Weil, No. 447, and of the La Abra Silver Mining Co., No. 489, both on the American docket, are fraudulent and based on affidavits of perjured witnesses; this with a view of appealing to the



sentiment of justice and equity of the United States government, in order that the awards made in favor of the claimants be set aside."

The history of these cases previous to this time may be briefly summarized. The claimant in the Weil case stated that in 1864 he imported into Mexico 1,914 bales of cotton and that General Cortina robbed him of the whole. After the decision of the umpire had been rendered, evidence was produced which seemed to prove this an absolutely fraudulent claim. The fraudulence in "La Abra Silver" mining case was claimed to be in misrepresentation by which an excessive amount had been awarded. The umpire had refused to reopen the cases as it was not in his power if he did so to examine new evidence. If perjury had been committed he thought it should be proved and tried before the courts. In the case of Benjamin Weil, he said: "The agent of Mexico has produced circumstantial evidence which, if not refuted by the claimant, would certainly contribute to the suspicion that perjury has been committed, and that the whole claim is a fraud. For the reason already given, it is not in the power of the umpire to take that evidence into consideration, but if perjury shall be proved hereafter no one would rejoice more than the umpire himself that his decision should be reversed and that justice should be done."<sup>1</sup>

1. Ex. Doc. 48 Cong., 1 Sess., Serial No. 2205; p. 536.



The Committee on Foreign Affairs in the first session of the Forty-ninth Congress made a report in which it was stated that if Weil's claim had been examined by the State Department before it was presented, "it is scarcely possible that the United States would have brought into such serious question its own laws and regulations in respect of the shipment of cotton from Texas and other states in rebellion in 1864, as to have permitted its enforcement, or even its presentation against Mexico, by a man then engaged in rebellion. Weil was then active in the service of Louisiana, engaged in sending out cotton and bringing in goods and arms and munitions of war under a general contract with that state in violation of the laws of the United States.

"The cotton he alleges he was shipping was contraband, and its capture by a person in the service of the United States would have the title to the government. Weil's right to it was forfeited by his offense against the laws of the United States, and its capture was all that was necessary to be done to have secured a complete title to the cotton in the United States.

"He alleges that it was captured by Mexican troops, on Mexican soil, and asks the United States in its own name, and under its rights as established in the convention with Mexico of July 4, 1868, to demand and receive the





value of that cotton from Mexico. - -

"The committee are further satisfied upon the evidence submitted to Congress through the Department of State that Weil's claim to this cotton is utterly groundless - a mere fabrication in every part of, and as to every fact which he alleges in its support. It is wholly manufactured from false statements."<sup>1</sup>

After the government of Mexico had called the attention of the United States to the seeming fraudulence of these claims, an act of Congress was passed providing for the distribution of the money awarded on all the claims and instructing the President to investigate the particular cases in dispute. President Hayes reported that he had "grave doubts as to the substantial integrity of the Weil Claim" and asked Congress to provide means of investigation such that evidence could be coerced. This means was not granted and part of the claim was paid. But President Arthur, upon the presentation of new evidence, negotiated a convention with Mexico to settle the matter, and while this was pending ordered payment to be discontinued.<sup>2</sup> The cases were still undecided and the payments withheld under President Cleveland and President Harrison. Suit was brought to compel the payment, but was lost. A motion to submit the cases to the Court of Claims failed to carry in both houses of Congress, and the

1. Report of Sen. Com. on For. Aff., 49 Cong., 1 Sess., Report No. 1316.

2. Ex. Doc., 48 Cong., 1 Sess., Serial No. 2205, p. 786-7.



convention of July 13, 1882, with Mexico to settle the cases by treaty was not ratified by the Senate, and the matter continued a subject for correspondence between the ministers of the two countries.



### III.

#### TROUBLE ON THE FRONTIER.

The claims which had occasioned so much dispute had grown, in part, out of depredations committed by border Indians, as we have seen. Of the several Indian tribes living on the borders of Mexico and the United States some were friendly to the United States and hostile to Mexico; some were friendly to Mexico and enemies of the United States; and some were hostile to both. The latter migrated from one side to the other, returning to their former homes for predatory raids and then again finding refuge on the opposite side. The disorders occasioned by these Indians were also increased by lawless Mexicans and Americans on the border who found it easy to cross from one side to the other and thus avoid pursuit by the authorities where their misdeeds had been committed. The attempt to stop the raids of Indians and other bands of thieves and murderers made military operations necessary on the frontier. The attempt in certain cases to secure escaped criminals brought in question the terms of the extradition treaty. Finally disputes also arose in regard to the boundary. To establish peace on the frontier, it was necessary to consider all of these questions.

#### 1. INDIANS ON THE FRONTIER.

Of first importance in the frontier troubles, were the Indian raids. To understand these it is necessary



to know something of the history, settlements and numbers of the tribes concerned in the disturbances. One of the Indian tribes on the border was the Kickapoo, a tribe living partly in the United States and partly in Mexico, but having its earlier home in the former country. According to the Mexican Border Commission, appointed to investigate conditions on the frontier, some of the Kickapoos came to Mexico as early as 1850, some returning to the United States and others settling near Santa Rosa. During the civil war, General Sherman says that the Kickapoos became embroiled with the Confederate authorities and had several fights, the remnant escaping into Mexico.<sup>1</sup> At any rate, a party of two hundred Kickapoos arrived at Santa Rosa in 1864, and Chief-No-Ko-What and his band came the next year.<sup>2</sup> The authorities of Santa Rosa granted to the Kickapoos for a place of permanent settlement, Nacimiento, formerly abandoned by the Seminoles and Muscogees,<sup>3</sup> and here they continued to live with the favor of the inhabitants of Santa Rosa because of the help given by them against other Indian tribes and the occasional assistance rendered in agricultural labor.<sup>4</sup> Although the Kickapoos at Santa Rosa were for the most part peace-

1. Sen. Misc., 45 Cong., 2 Sess., Serial No. 1785, doc. 23.

2. Report of Sec'y of Interior, 40 Cong., 3 Sess., Serial No. 1366, p. 547.

3. Report of Mexican Border Commission.

4. U. S. For. Rel. 43 Cong., 2 Sess., Serial No. 1634, doc. 494.





ble, the government of the United States believed that they were concerned in some of the raids into Texas, and desired their removal to reservations in the United States where they could be watched.

As stated above, some of the Kickapoos went into Mexico from the United States. Others continued to live in the United States. According to the United States' Indian Commission, N. G. Taylor, about half of No-Ko-What's band started to return to Texas, but their ponies gave out and all but forty went back to Mexico. This remnant, and some who years before separated from their tribe in Kansas and settled on the Washita, formed the Kickapoos on the Texas side of the river.<sup>1</sup> The number of these was unknown, but it was estimated that the Kickapoos on the western border of Texas together with those in Mexico numbered about six hundred.<sup>2</sup>

The people of Mexico were inclined to think that the Indians guilty of raids from Mexico into the United States were not the Kickapoos, and the inhabitants on the border of Mexico wished to retain and protect the tribe which was friendly to them. The Mexican Border Commission, mentioned above, stated that in the accounts of depredations in Texas, the Kickapoos had not been mentioned as even probable perpetrators of outrages before

1. Report of Sec'y of Interior, 40 Cong., 3 Sess., Serial No. 1366, p. 547.

2. Sen. Misc., 45 Cong., 2 Sess., Serial No. 1785, doc. 23.



1868, and they considered the evidence against them after that time as not conclusive.<sup>1</sup> The unwillingness of the people of Coahuila to part with the Kickapoos is shown by a letter of Mr. Niles, the Indian agent of the United States who attempted their removal. He said: "It appears that there had been appropriated by the general government of Mexico, about three years ago, the sum of \$10,000, for the benefit of these Kickapoos, and was duly turned over to the governor of this state (Coahuila), at Saltillo, where it has been lying until last winter, when there was a commission appointed, and \$5,000 of this fund directed to be turned over to him, to be expended for cows, horses, etc. - - - This, we think, was all done after learning that our government had made appropriations for removal of the Kickapoos.<sup>2</sup> It was not difficult for the Mexicans to persuade a tribe already friendly to them to remain, and it was not until several attempts had been made by the United States that any of the Kickapoos were removed to that country.

The first attempt at removing the Kickapoos was made in 1870, although the United States had had much correspondence with Mexico on the subject before this. At this time, a commissioner was sent to visit the Kickapoos

1. Report of the Mexican Border Commission, p. 412.

2. U. S. For. Rel., 42 Cong., 3 Sess., Serial No. 1502, doc. 293, Mr. Davis to Mr. Nelson, enclosing Mr. Niles' letter.



with the object of securing their consent to removal but he was unsuccessful, as were other commissioners sent that year and later.<sup>1</sup> Although the local authorities were unwilling to lose the Kickapoos, the general government was favorable to the wish of the United States to remove them. Senor Lerdo on the part of Mexico said: "The government of Mexico can cooperate with pleasure in furthering the object of the Government of the United States of America, an object just and humane, the prevention of depredations which the scattered bands of Indians are in the habit of committing on the frontier. This cooperation can consist in this, that if the government of the United States should think it proper to give notice of time and place of the arrival on the frontier of the agents who may be sent to visit and unite the scattered bands of Indians, the government of Mexico would at the proper time, place a force at the point designated to give such agents the aid desired."<sup>2</sup> Finally by the assistance of Mexico, part of the Kickapoos were returned to the United States and settled in Indian Territory, and the remainder were removed by the government of Mexico to the interior of that country; so

1. U. S. For. Rel., 42 Cong., 2 Sess., doc. 293, Mr. Davis to Mr. Nelson, Aug. 7, 1871; doc. 296, Mr. Nelson to Mr. Fish, Aug. 30, 1871; U. S. For. Rel., 42 Cong., 3 Sess., doc. 310, April 26, 1872; U. S. For. Rel., 43 Cong., 2 Sess., Mr. Fish to Mr. Nelson, Nov. 11, 1873; Mexican Border Commission.

2. U. S. For. Rel. 42 Cong., 2 Sess., pt. 1, Serial No. 1502, doc. 275; Mr. Nelson to Mr. Fish, Jan. 10, 1871.



Texas was freed from their incursions.<sup>1</sup>

~~OTHER TRIBES.~~

The Lipans were another tribe which sometimes lived in the United States and sometimes in Mexico, with particular hostility, however, to Mexico. The report of the Mexican Border Commission giving the history of this tribe, said that they had made war on Mexico for twenty-one years. Although they made peace in 1855, they did not keep the terms of the peace; so the next year the people on the frontier attacked and almost annihilated them. The survivors took refuge with the Mescaleros. The report mentioned above said: "Since that time the Lipans have made war against Mexico in conjunction with the Mescaleros and Apaches, living almost constantly within the territory of the United States from whence they have committed their depredations against the settlements on the Rio Grande, both Mexican and American." The report then went on to say that about 1862 the lack of the necessities of life, and the hostility of the United States against them, forced them to ask peace of Nuevo Leon and Coahuila. They remained for some time at San Fernando, but fearing the people would take revenge on them for a murder which they had committed at El Remolino, they fled to the river Pecos, whence for twelve years they

1.U. S. Sen. Misc., 45 Cong., 2 Sess., Serial No. 23.







molested the towns of Mexico and the United States. A bloody raid on Mexican frontier towns in 1869 was believed to have been made by these same Indians. War was kept up by this tribe until 1872, when they returned to San Fernando and made a peace with the alcalde which was afterward approved by the governor of Coahuila.<sup>1</sup>

Although peace was made with the Mexicans, satisfaction had not been given to the authorities of the United States for the raids of the Lipans there, and an expedition against the Indians under Col. Mackenzie crossed into Mexico and attacked the Lipans at the head of San Diego River at a point opposite Fort Clark and in El Remolino Canon, opposite Fort Duncan.<sup>2</sup> Some Indians were killed, but Col. Mackenzie was compelled to return to the United States without having destroyed the settlements.

Another warlike tribe on the border was that of the Apaches to which most of the Indians in New Mexico and Arizona belonged. According to the report of the Secretary of the Interior in 1870, the two reservations in the former territory were that of the Gila Apaches, selected several years before but never occupied, and that of the Navajos. The Mescalero Apaches, with

1. Report of Mexican Border Commission.

2. U. S. For. Rel., 43 Cong., 2 Sess., Mexican Border Commission, Preliminary Report.



whom the Lipans had once taken refuge, lived in south-eastern Arizona in a country so mountainous that it was difficult to reach.<sup>1</sup>

#### INDIAN DEPREDATIONS.

Frequent raids made by the tribes of Indians mentioned before and by other roving bands made life exciting on the frontier. Both the United States and Mexico at different times made war upon these Indians, but so long as they could find shelter in the fastnesses of the opposite side of the river and be free from pursuit it was difficult to stop the raids. When the Indians crossed the river to make a raid, the government of the country from which they came, whether Mexico or the United States, was likely to be blamed by the other for harboring and not restraining them, as is shown for example in the attitude of a Mexican official, who in approving the policy of the United States in placing the Indians on reservations, said that this policy differed from its former manner of encouraging the Indians in their depredations on Mexico, a policy which had been one reason why the Mexican Government in 1848 had insisted upon inserting in the treaty of Guadalupe Hidalgo the clause making the American government responsible for the damages caused by the invasions of the Indians."<sup>2</sup> Although

1. U. S. Doc., Serial No. 1414, Report of Sec'y of the Interior, 41 Cong., 2 Sess.

2. U. S. For. Rel., 42 Cong., 3 Sess., Serial No. 1552, No. 308, from Siglo XIX, April 12, 1872.



this clause was stricken out in the treaty of 1853, it did not prevent the feeling on both sides that the country in which the Indians resided was in a way responsible for them.

That officials in the United States believed that Mexico was liable for the raids committed in the United States is shown by Mr. Hunter, Acting Secretary of State, who in writing to our minister in Mexico said: "The treaty stipulation between the United States and Mexico, by which the parties engaged to restrain savages from attacking each other's possessions, were repealed by the second article of the Gadsden treaty. Still, the obligation to that end under the law of nations remains in full force, as it is presumed Mexico will allow:"<sup>1</sup> and by General Sherman, who writing to the Secretary of War, Belnap, said: "Mexico ought to be liable for acts of war done by Indians owing her allegiance."<sup>2</sup> Mr.

Schuckhardt, our commercial agent at Piedras Negras said that he believed that many depredations were committed on the Texas frontier by Kickapoo, Lipan, and Mescalero Indians who lived a short distance from the Rio Grande

1. U. S For. Rel., 42 Cong., 2 Sess., No. 265, Mr. Hunter to Mr. Nelson.

2. U. S. For. Rel., 42 Cong., 3 Sess., Serial No. 1552, doc. 265, Gen. Sherman to Mr. Belnap.





on the Mexican side, and were thus under the protection of Mexico.<sup>1</sup>

When the people of Texas were suffering so from Indian raids the legislature of that state passed a resolution asking help from Congress. The resolution which explained the situation and expressed the belief that Mexico was responsible for the raids, was in part, as follows:

"Whereas, during the last five years certain bands of Indians known as Kickapoos and Lipans, residing in the States of Coahuila and Tamaulipas, Republic of Mexico, have been making constant raids, killing scores of citizens and driving off large quantities of live stock into Mexico thereby retarding the settlement and development of many counties in this state, and tending to the depopulation and destruction of the scattered settlements on our southwestern frontier; and whereas these Indians have resided and are still residing in and contiguous to cities and villages of the Mexican states named; and whereas it is notorious that these Indians have been constantly aided and encouraged by the citizens in Mexico in their murderous forays upon our soil: - -

"Be it resolved by the legislature of the State of Texas that the government of the United States is earnest-

1. U. S. For. Rel., 42 Cong., 2 Sess., Serial No. 1502, doc. 290, Mr. Wilson to Mr. Fish, July 20, 1871.





ly requested to at once take measures to compel the Republic of Mexico to fulfill its duties as a friendly power by no longer permitting its soil to be used as an asylum for the bands of thieving and murdering Indians who, for the past five years have been devastating the southwestern frontier of this State, with the full knowledge of the Mexican authorities and the aid of the Mexican people."<sup>1</sup>

So serious did Indian troubles in Texas become that the War Department of the United States in 1870 prepared to wage war against them. Some of the raids which caused the campaign, were made by Indians from the Mexican side, but most of them were made by hostile hands of Texas Indians located in the Guadalupe Mountains upon the settlements of the Rio Grande from El Paso to Del Norte. The War Department believed that the latter could be driven from their haunts but only into Mexico, whence they could return. In preparation for this campaign against the Indians the government of the United States, therefore, requested the government of Mexico to cooperate with it in an endeavor to suppress these tribes by

1. House Misc., 41 Cong., 2 Sess., Serial No. 1433, doc. 137.



instructing the local authorities at Chihuahua to act jointly with the United States, against the Indians and also asked permission for troops of the United States to cross the border in pursuit of the Indians.<sup>1</sup> Although the Mexican government instructed the authorities at Chihuahua to render assistance to the United States when possible in suppressing the Indians, the local authorities seem to have delayed action and no assistance was rendered, while the request for permission for troops of the United States to cross into Mexico was, as we shall see in the next sections, long a subject of correspondence.

The campaign begun by the United States against the Indians in 1870 did not subdue them, and theft and murder by the Indians continued to be committed, as the inhabitants of Texas believed, with the encouragement of the Mexicans on the other side of the river. In a raid of Mescaleros, which occurred in December, 1870, the Indians crossed into Texas, killing a Mr. Adams and two Mexicans, stole all the horses they could find, attacked a Mexican cart train on the road from Eagle Pass to San Antonio, took everything belonging to the train, captured a little boy and stole horses from the ranches. The Indians by their civilized dress deceived the inhabitants,

1. U. S. For. Rel., 42 Cong., 2 Sess., No. 273, Mr. Belnap to Mr. Fish, Dec. 7, 1870.



who thought them cattle traders. The ranchers had barely time to escape.<sup>1</sup> In another raid in Texas reported by the commercial agent of the United States at Guerrero, Mexico, the Indians attacked several plantations, drove off cattle and burned houses. As an example of the encouragement given the Indians in their thefts by the Mexicans, an agent of the United States cited the case of a Lipan who was advanced twenty dollars by a Mexican for goods to be stolen in Texas. The Indian made the intended raid and paid the debt, boasting to a crowd of Mexicans that he had followed a detachment of United States' troops for some distance until he managed to separate and kill one in cold blood.<sup>2</sup> A raid made in 1872 was attested by a Mexican to have been made by Kickapoos whose trail he had followed to their encampment in Mexico.<sup>3</sup>

The Kickapoos, as shown above, were under the protection of the people of Coahuila. As late as 1878 a raid was made into Texas by Indians whom the Mexicans thought were Lipans but part of whom Gen. Ord believed to have been Kickapoos. For all of these raids the United States blamed Mexico.<sup>4</sup>

1. U. S. For. Rel., 42 Cong., 2 Sess., Serial No. 1502, doc. 290, Mr. Schuckhardt to B. Gautier.

2. U. S. For. Rel., 42 Cong., 3 Sess., doc. 263.

3. U. S. For. Rel., 42 Cong., 2 Sess., Serial No. 1502, doc. 290, Mr. Schuckhardt to B. Gautier.

4. U. S. For. Rel., 42 Cong., 3 Sess., doc. 293.



The tribes concerned and the damage done by Indian raids in Texas, is further shown by the following extract from a report made in 1873 by a Committee appointed by Congress to investigate the border troubles:

"The records of such outrages are embraced in forty-three petitions under Class D, amounting to an aggregate alleged loss of \$721,492. The depositions supporting these petitions contain complete descriptions of the outrages, while the fact that but little can be effected in obtaining a record of the killed, wounded, and kidnapped, proves the actual condition of the country to be one of continual exposure, a harassing predatory war being carried on by these offenders. - - -

"On the immediate line of the Rio Grande, Indian raids are a source of harassing annoyance from the vicinity of San Diego, Dubal County, to El Paso del Norte, the perpetrators being alleged to be Kickapoos, Lipans, Mes-caleros, Apaches, Pottawatomies, Seminoles, and other tribes, or remnants of tribes, residing on the Mexican side of the Rio Grande, and using the adjacent republic as a base for a murderous warfare against the inhabitants of western Texas.

"Of all these tribes these Kickapoos and Lipans are especially distinguished for a bitter animosity to the





inhabitants of Texas, and for unceasing activity in their bold raids. These incursions have two main objects, the stealing of horses and the kidnapping of children. Murder is an invariable accompaniment, for these Indians have shown a disposition to fight bitterly with the settlers, and a gloomy record of their deeds is found in the many depositions taken upon this subject."<sup>1</sup>

The government of Mexico finally attempted to do its part in securing peace on the border in two ways; first, by removing the Indians to reservations;<sup>2</sup> second, by waging war on them. The Kickapoos who were not removed to the United States were taken, as we have seen, to the interior of Mexico. As the Apaches of Chihuahua were unwilling to move to a reservation in the United States, the governor of that state formed a treaty with them by which they were to have a reservation in Mexico, be furnished clothing, be under military supervision, and in case of a raid into the United States, be handed over to the authorities of that government, but this treaty was not ratified.<sup>3</sup> In 1879, the Mexican government undertook a campaign against the Kickapoos, Lipan, and Mescalero Indians in Coahuila which resulted in a considerable number

1. Reports of Com., 45 Cong., 2 Sess., Appendix B, p. 217.

2. See page 31 of this paper.

3. U. S. For. Rel., 44 Cong., 2 Sess., Serial No. 1741, doc. 208.



of these being captured and taken into the interior of Mexico, but some returned to their old haunts.<sup>1</sup> By these actions Mexico showed her desire to do the part of a friendly nation in preventing raids.

As Texas was troubled by raids of Indians from Mexico, so Sonora suffered from raids of Indians coming from the United States. Particular complaint was made on the part of Sonora for raids made by the Apaches under their chief Cochise.<sup>2</sup> In reply to this complaint the United States ordered its War Department and the Department of the Interior to make an investigation. General Howard claimed that he had made a treaty with Cochise by which the latter was to try to stop the raids.<sup>3</sup> Cochise seems to have proved treacherous, for the Mexican minister in the United States writing to Mr. Fish, enclosed an article from the "Alta," California, written by General Pesquiera in which the latter said that Cochise claimed that the treaty with General Howard gave him the privilege of making war on Sonora. Even if Cochise was prohibited from making war, the author went on to say, he had been released from the reservation, and thus exempted

1. U. S. For. Rel., 46 Cong., 3 Sess., Serial No. 1951, doc. 457.

2. U. S. For. Rel., 43 Cong., 2 Sess., docs. 469, Mr. Foster to Mr. Fish, March 4, 1874; 457, Mr. Foster to Mr. Fish, Dec. 31, 1873; and 495, Señor Mariscal to Mr. Fish, May 5, 1874.

3. Ibid, docs. 457, 462.



from the only means of forcing him to keep peace with Sonora. In commenting on the situation the minister of Mexico said that as long ago as the previous summer he had received urgent appeals from his government to demand from the United States satisfaction for the crimes committed by Cochise and his band, but had refrained from mentioning the matter, as he believed the United States knew the facts and would stop the depredations.<sup>1</sup>

Apparently a delay in action on the part of the federal authorities of the United States was the reason the trouble had not been stopped, for General Crook, under whom the reservation had been placed, had written to the Governor of Sonora, January 9, 1874, that after the twentieth of that month he would compel the Indians of Cochise to submit to roll call, but he wrote again, February 9, that unforeseen obstacles had prevented him from doing anything relative to the Indians until he heard from the general government. As a result of this correspondence an investigation was made by the United States which satisfied the Mexican government.<sup>2</sup>

Again in 1878 complaints were made of Apache raids into Sonora.<sup>3</sup> The Mexicans accused the authorities of

1. U. S. For. Rel., 43 Cong., 2 Sess., Serial No. 1634, doc. 495, Senor Mariscal to Mr. Fish.

2. U. S. For. Rel., 43 Cong., 2 Sess., Serial No. 1634, doc. 469.

3. U. S. For. Rel., 45 Cong., 3 Sess., Serial No. 1842, doc. 359, Mr. Foster to Mr. Fish, Sept. 7, 1878.



Arizona of encouraging these raids, but a report of the Mexican consul at Tucson, Arizona, not only vindicated the people of Arizona, but showed the care with which the Indians were watched on their reservations. According to the consul's report the raid in question had been made by thirty-three warriors from the mountains of Huachuca, some of whom had never been subdued or entered in any American reservation. The others who did belong to the American reservations were some who had escaped and had succeeded in hiding in the mountains. The Indians on the reservations answered to roll-call twice a day, and were allowed fire-arms for hunting only under exceptional conditions. The minister in the United States called the attention of the federal government of Mexico to their consul's report and asked that it be published in the official paper of that country.<sup>1</sup>

Although the United States was proved to have been free from blame the previous year, in 1879 complaints were made again of raids by Indians of Arizona and New Mexico into Chihuahua. The War Department when addressed on the subject shifted the responsibility by saying that the reservations were not under its control, but under the Indian Department; showed that the Mescalero Apaches

1. U. S. For. Rel., 45 Cong., 3 Sess., Serial No. 1842, doc. 359, Mr. Foster to Mr. Fish, enclosing report of Mexican Consul at Tucson to the "Boletin Oficial", Ures, Sonora, July 26, 1878.







were thirty or forty miles distant from Fort Stanton, the nearest military post, the garrison of which under orders from the president had been engaged in putting down anarchy in the adjacent counties; and declared that the raids were usually committed by Indians who had escaped into Mexico, and whom the Mexican government should be requested to assist in returning.<sup>1</sup> However, after this the military authorities seem to have been able to check the raids.

In the next years the increasing friendliness between the United States and Mexico was shown in a cooperation in checking Indian uprisings. The guerilla warfare waged by Victoria and his band of southern Apaches was brought to an end<sup>2</sup> by the combined and harmonious action of the military forces of both countries."<sup>3</sup> Again in 1881, American troops in New Mexico were ordered to the line to cooperate with Mexican troops on the border waging war on hostile Indians.<sup>4</sup> The next year some Indians who escaped from Arizona and New Mexico were pursued by

1. U. S. For. Rel., 46 Cong., 3 Sess., Serial No. 1957, doc. 450.

2. For. Rel., 47 Cong., 1 Sess., Serial No. 2009, doc. 441, Mr. Fernandez to Mr. Morgan, Oct. 27, 1880.

3. Messages of the Presidents, Dec. 6, 1880, p. 610.

4. U. S. For. Rel., 47 Cong., 1 Sess., Serial No. 2009, doc. 451, Mr. Blaine to Mr. Morgan, April 28, 1881.



forces from both the United States and Mexico and one band was defeated by troops of the latter. A cordial disposition was shown by the authorities on both sides of the border in giving assistance in stopping hostile incursions of Indians and finally, as we shall see, an arrangement was made for reciprocal passage of troops across the border in pursuit of these Indians.<sup>1</sup>

DEPREDACTIONS BY CITIZENS OF MEXICO AND OF THE  
UNITED STATES.

But the Indians were not the only disturbers of the peace. In the thinly settled regions along the Rio Grande lived bands of robbers and lawless men who stole cattle and horses and disposed of them farther toward the interior. Especially after General Cortina was placed in command on the Mexican side of the river, were complaints made by the citizens of Texas of the increase of cattle-stealing and of the protection of the robbers by the Mexican general, a man against whom they were already prejudiced. The reports of Committees of Congress, the records of grand juries in Texas, and letters from military authorities on the border, prove the prevalence of the disorders, while an exhaustive study of border troubles by a Mexican Border Commission, if it did not show so great a number of robberies as might have been

1. For. Rel., 47 Cong., 2 Sess., Serial No. 2090.



expected, at least found enough evidence to prove that cattle-stealing was a common evil.

The situation from a military point of view is given by A. McCook, who for four years had been stationed on the Rio Grande. He said: "There is in existence on the frontier a system of cattle stealing, which, if persisted in, will be disastrous to the stock-raising interests of Texas, - and may lead to a predatory war on either side of the river, eventually producing a conflict between the two nations. Armed parties cross from Mexico to Texas to steal cattle; from the sparcity of troops on this line, and the nature of the country bordering the river, it is almost impossible to capture these bands unless caught in the act of crossing. During the last month there have been several conflicts, and last week there was firing from both banks of the river at Rancho Nuevo, (Texas side), six leagues above this place, resulting in the death of one man and wounding another on the Mexican shore. This conflict took place between a band of marauders from Mexico and some citizens of Texas."<sup>1</sup> Mr. McCook went on to accuse General Cortina of complicity in these robberies.

The beginning of the border troubles and the reason for this feeling against Cortina are given in the fol-

1. U. S. For. Rel., 42 Cong., 2 Sess., Serial No. 1502, Doc. 297.



lowing paragraph from a committee report of the second session of the Forty-fifth Congress:

"The cattle-raids from Tamulipas commenced with what is known as the 'Cortina War,' in 1859 and 1860. This was a most remarkable occurrence, one without a parallel in our history: A single lawless rancher with a band of friends capturing a town of nearly three thousand inhabitants, and not only defying but defeating the forces of the State of Texas, and then carrying on a war against the combined forces of the State of Texas and of the United States, maintaining himself for upwards of five months, from the 13th of July to the 27th of December, 1859, on American soil, with the Mexican flag flying over his camp, and then retreating across the Rio Grande ready to renew the fight. Such was the remarkable commencement of the border troubles on the Rio Grande, one well calculated to inspire the lawless element in Mexico with defiant pride, and to teach our own people the extent of the danger to which they were exposed, and their dependence for safety on the strong arm of the government. These feelings were confirmed and increased when the bold robber and outlaw, who was under numerous indictments in Texas for previous murders and robberies, and who had left the American territory in defiant warfare with the United States, was deliberately sent by the Mexican Gov-





ernment, clothed with the high office of general of the army and governor, back to the very scene of his outrages, and the United States Government quietly submitted to the insult."<sup>1</sup>

Further evidence that property on the border was not safe is found in a letter from Mr. MacManus, district attorney in Cameron County, Texas, and the enclosed report of the grand jury in that place. The report showed that two-thirds of the time of the grand jury was taken up incases concerned with cattle-stealing. It was difficult to get evidence, but he said, "sufficient evidence has been reached to warrant us in the statement that the whole section of the country as far up the river as Hidalgo County, and as far back as Santa Gertrudes, in Nueces County, is completely in the control of armed thieves whose homes are in Mexico."<sup>2</sup> In commenting on the report Mr. MacManus said that the state and local authorities were powerless to protect inhabitants between the Rio Grande and Nueces Rivers.

As the local authorities were not able to stop the disorders, a joint resolution of the Senate and House of Representatives appointed Commissioners to make an investigation. The Commissioners first assembled July 5, 1872. They held public sessions duly advertised from

1. Reports of Com., 45 Cong., 2 Sess., Serial No. 1824, doc. 107, p. V.

2. U. S. For. Rel., 42 Cong., 3 Sess., Serial No. 1552, doc. 261.



July 30 to October 3, 1872, and traversed the Rio Grande frontier from Point Isabel to Grande City. Their investigation brought out incidentally the amount of live-stock in the region and the importance of the industry threatened by the thieves. An assessment for 1870, as the Committee ascertained, had shown that in the thinly settled tract between the Rio Grande and the Nueces, exclusive of Live Oak and McMullen counties, there were 299,193 cattle and 73,593 horses. Further, the inspection of hides at Brownsville showed that fully twenty-five per cent of the hides entered from Mexico bore brands of Texas, and at least twenty-five per cent had brands altered or defaced, a circumstance proving the guilt of the Mexicans. The Commission also reported that stolen cattle were sold very cheap on the Mexican side of the river.<sup>1</sup> In short, these investigations of the Committee established the prevalence of cattle-stealing on the border.

The report of the Commission gave the detailed statement of each claimant as set forth in 102 petitions, and supported by the evidence of 354 witnesses. The following are a few extracts:

"Francisco Martinez testifies that one J. M. Martinez,

1. Ex. Doc., 42 Cong., 3 Sess., Serial No. 1565, doc. 39, Report of Com. Appointed 1872; Reports of Com., 45 Cong., 2 Sess., Serial No. 1824, Report 701.



a Mexican cattle-thief, stocked, by plunder from Texas, a ranch near Matamoras with over 1,000 stolen cattle. After the killing of the said Martinez, some of the cattle were recovered.

"Thaddeus M. Rhodes, Justice of the Peace, sent men to recapture a herd of stolen Texas cattle, which were being driven by a band under Rafael. Five hundred cattle were recaptured, the thieves escaping.

"Ricardo Flores, in June, 1871, attacked the Lugo or Lubo brothers and their party of Mexican cattle-thieves near Reparo ranch, in Texas; killed Lubo, and recaptured two hundred stolen cattle which were delivered to Judge J. Galvan, of Brownsville, Texas, for sale on owner's account.

"Francisco Martinez found Mexican cattle-thieves in possession of the dwellings on the Saino Rancho in Texas. The family of Senor Becerra, the resident, were under guard. Martinez, escaping to neighboring ranches, with the assistance of friends, attacked the thieves and recaptured some stolen cattle. Forty-two were recaptured; over one hundred had been crossed into Mexico, and were not recovered."<sup>1</sup>

While the United States was investigating the frontier.  
1. Ibid.



tier disturbances, the government of Mexico was also anxious to restore order. Mr. Nelson in his letter to Mr. Fish, October 8, 1871, enclosed a communication from Señor Mariscal in which the latter stated that the Mexican government was desirous to prevent these depredations and had appointed General Florentino, military commander of the Rio Grande, and said that the War Department would take still more efficacious measures as soon as the political disturbances in Mexico would permit.<sup>1</sup> Later in the same year Mr. Nelson wrote to Mr. Fish that the President of Mexico was impressed with the gravity of the situation; that the federal government wished to put an end to lawless depredations; but that it lacked power to enforce its commands on distant states.<sup>2</sup> The Mexican Congress, however, at the time the American Commission was holding its sessions at Brownsville, also appointed a similar commission to make investigations on the Mexican side.<sup>3</sup>

The Mexican Commission was established in Monterey, November 14, then went to Matamoras and from there traveled along the Bravo to Mier. The Commissioners made inquiry in regard to depredations and conditions on the Mexican

1. U. S. For. Rel., 42 Cong., 3 Sess., Serial No. 1552, doc. 259.

2. U. S. For. Rel., 42 Cong., 2 Sess., doc. 300, Mr. Nelson to Mr. Fish.

3. U. S. For. Rel., 42 Cong., 3 Sess., Serial No. 1634, doc. 464.





border and in Texas. They examined the archives for cases tried and laws passed against cattle and horse thieves. They heard a great number of witnesses, whose evidence was carefully examined and classified as to its trustworthiness. They embodied the results of their work in a report on the Indians, cattle and horse stealing, General Cortina's record, and other matters which had caused disagreement between Mexico and the United States.<sup>1</sup>

At the beginning of their work, the Commission issued a circular which said: "The object of the Commission being to form a clear judgment of the question, they have resolved to be guided only by the strictest impartiality and justice, and hence invite all persons residing in territory pertaining to the United States, or who own property there, and consider that they have the right to complain of robberies or depredations committed by bands organized in Mexican territory to present their claims before the Commission with all the necessary proofs." In their report the Commission said that not one citizen of the United States answered this appeal.<sup>2</sup> The Commission felt that in this matter the citizens making complaints had not done their part in aiding the government to remedy the evil. The Commission found that up to 1848, horse stealing had been very prevalent and the archives of every town on the Mexican side of the Rio Grande showed measures taken to prevent it. The Commission in-

1. Report of Mexican Border Commission.

2. Ibid, p. 4.



cluded in its report some criminal statistics compiled from "expedientes" issued by Señor Garzo Melo, Judge of the supreme court of Nuevo Leon, 1868-1869. Out of 368 cases tried before him 133 were for horse-stealing, the prevalence of which crime he attributed to disorders growing out of a common pasturage; the extent and loneliness of the plains; and the nearness of the Rio Grande, by crossing which a market could be found.<sup>1</sup> The Commission found that horse-stealing, except in districts somewhat remote from the river, had diminished owing to the scarcity of horses caused by stealing and revolution. From documents showing the number of thieves and preventive measures taken against them, the Commission concluded that the greater number of thieves resided in Texas.

Fully as important a consideration as that of the actual thieves, was that of the purchasers of the stolen horses. The Commission recognized three classes of buyers of stolen horses; first, those who lived in the interior of Texas and bought all the animals they could at a low price; second, those who came from the interior of Texas to the shore to collect droves of horses and form contracts with the thieves to procure them at so

1. Ibid, p. 17.



much a head; and, third, those who reside on the Texas shore and had in their employ bands of thieves. There were also those bands organized in the United States, and pretending to have political principles. Of the last sort were bands organized three times in Texas and led into Mexico by Jose Maria Sandrez Uresti. Dealers of the second class, usually coming to the River Bravo in February or from March to October, organized bands of thieves, who caused horses to disappear from the coast.<sup>1</sup>

Among the examples given by the Commission of persons having bands of thieves at their disposal, may be mentioned the cases of Glaenecke, an alderman of Brownsville, and Lemuel and José Estapa, sheriff and collector of the county of Hidalgo. Glaenecke had a horse pen on the Texas side of the river, and from here the animals were taken to Palo Alto, the drove completed, and then driven into Texas. He not only used his pen himself, but lent it to others for illegal purposes. This spot was headquarters for a band of robbers who made expeditions of one or two months duration into the interior of the State of Tamaulipas, from whence they brought droves of horses. To this band belonged two thieves who were afterwards hanged at Brownsville, Marcos Guerra, a

1. Ibid, p. 21-25.



famous horse thief living at that time under Glaenecke's protection and others.<sup>1</sup> Persons belonging to the police, accomplices, and persons who had appeared in court to recover stolen animals all bore witness against Glaenecke and according to these witnesses, he was still continuing his illegal traffic. The Estapas had also had bands of thieves at their disposal and had a rendezvous for the same. They owned a ranch on which was an enclosure known as Sabanito, bounded on one side by the river, and on another by an inlet, and to this enclosure horses stolen from Texas were taken.<sup>2</sup>

The Commission believed that accounts of cattle stealing were exaggerated but made a report on several noted cases. In 1871, the Mexican commander of the Bravo advised the alcalde of Reynosa that according to rumors a party of thieves was being formed at the ranch "Las Cuevas" to invade Texas. In reply, the alcalde said that he had learned that the men of Las Cuevas had property on the other bank and for this reason crossed daily, but mentioned other places where such bands did exist.<sup>3</sup> The Commission thought that Dionisio Cardenas, President of the city council of Matamoras, was implicated in the charges of cattle-stealing as he had been found with stolen cattle in his possession. An alderman of

1. Ibid, p. 28.

2. Ibid, p. 33.

3. Ibid, p. 79.





Matamoras, Nicolas Solis, was believed to have received stolen cattle from the ranch "La Bolsa." Other noted thieves were José Marie Martinez and Andres Flores. The judge of Matamoras ordered the police to pursue these. An agreement was made with Col. Ford on the left bank of the Bravo to pursue them simultaneously; the result was the death of both chiefs and the taking of Baltasar Flores and Magdaleno Carillo. These are only a few of the cases examined by the Commission, but they show the condition on the frontier.

Although both the United States and Mexico now had evidence of the condition of the border, raids continued and even increased in number until 1875. A special committee of Congress appointed in 1876 cited twenty-one cases of robbery from 1873 to 1875. This Committee made the following comment on the evidence found:

"From the incontestable facts presented in the foregoing report, there can remain no doubt that the crimes of cattle-stealing, robbery, murder and arson are committed to a fearful extent throughout the region of country included in our investigations, as well as in many other counties not included; there can exist no doubt that the thieves are almost exclusively Mexicans, having their organization and headquarters in Mexico; there



is not a particle of doubt that vast numbers of stolen cattle are driven from Texas to Mexico for sale and consumption; and, from the extent of this traffic, and the open public, and notorious disposition of stolen cattle in Mexico, there can be no doubt that the Mexican authorities are cognizant of the facts, and that many of them are in complicity with the thieves."<sup>1</sup>

An extract from a report of a Committee on Mexican Affairs in 1878, speaking of the cattle stealing from 1871 to 1875, said:

"The petitions of the citizens of the border made in 1875 to the governor and legislature of Texas, to the United States authorities and Congress, stated that they had ceased to complain of cattle-stealing and only prayed for protection. The question with the people had become one of existence, not of pecuniary loss."<sup>2</sup>

The joint committee of the Texas state legislature appointed in 1875 to consider the condition of the border, reported that on the lower Rio Grande from Starr County to the Gulf of Mexico, scarcely ten per cent of the stock remained. On the upper Rio Grande there had been less loss because the local authorities of New Laredo, Mexico,

1. Reports of Com., 45 Cong., 2 Sess., Serial No. 1824, Report 701, p. 163-166.

2. Com. Reports, 45 Cong., 2 Sess., Serial No. 1824, Report 701, p. VIII.



and of the State of Nuevo Leon, afforded assistance to citizens in the United States in recovering their property.<sup>1</sup>

The raids reached their climax in 1875, when the post-office at Nueces, Texas, was burned, and a mail-carrier to San Antonio robbed by Mexicans. On March 30, Governor Coke sent a telegram to the President calling on the federal government for protection, saying that bands of armed robbers from Mexico had invaded the country, burned a store, robbed the mail, and murdered citizens.<sup>2</sup> The Mexican government sent prompt messages to the government of the States of Nuevo Leon, Coahuila, and Tamaulipas urging the adoption of the most efficient means to protect the frontier, and secure the arrest of the raiders. Señor Lafragua expressed his regret for the raids, but said that they were common to both sides of the river. Mr. Foster, the minister of the United States to Mexico, denied this and proof was not forthcoming. At all events, Mexico was unable to prevent the raids because of internal troubles, desertion of troops on the frontier, and lack of money in the treasury.<sup>3</sup>

As Mexico did not stop the raids, it was necessary

1. Ibid, p. 115-116.

2. Ibid, p. 117.

3. Ibid, p. 128, 129, Mr. Foster to Mr. Fish, June 26, 1875.



for the United States to send more troops to the frontier and a gunboat to patrol the Rio Grande. After this vigorous action the raids decreased, the only serious outbreak being a raid in 1877 by an armed party who broke open the Rio Grande City jail and liberated two prisoners.

On the part of Mexico, there were a few complaints made before raids into that country ceased. A notorious band of robbers under Robert E. Marten committed depredations in Chihuahua and escaped into the United States.<sup>1</sup> Furthermore, some bands of outlaws in Arizona disturbed Sonora.<sup>2</sup> The hanging of two Mexicans in Arizona also gave Mexico just ground for complaint.<sup>3</sup> Prompt action was taken by the authorities of the United States to put a stop to all of these outrages.

1. For. Rel., 47 Cong., 1 Sess., Serial No. 2009, doc. 443, Mr. Morgan to Mr. Evarts, Dec. 6, 1880; doc. 483, Senor Navarro to Mr. Evarts, Nov. 13, 1880; doc. 490, Mr. Evarts to Senor Navarro, Jan. 3, 1881.

2. For. Rel., 47 Cong., 1 Sess., doc. 230, Mr. Frelinghuysen to Senor Romero, April 13, 1882, and doc. 244, June 30.

3. For. Rel., 47 Cong., 1 Sess., Serial No. 2009, doc. 510, Senor Zamacona to Mr. Blaine, Aug. 8, 1881.





### 3. MILITARY AFFAIRS ON THE FRONTIER - THE CROSSING OF TROOPS.

As we have seen, the troops stationed in the border states by Mexico and the United States in 1868 were not sufficient to preserve order. From time to time it was necessary to organize a campaign against the Indians, and at other times to increase the number of troops to prevent raids by thieves. As was said in the preceding section, the appointment by Mexico of General Cortina, an enemy of Texas, to command on the border was considered an insult by the citizens of that state who believed that he encouraged the cattle-stealing, but it was not until the United States sent additional troops to the border and a gunboat to the mouth of the Rio Grande, as mentioned above, thus considerably restraining the Indians and cattle thieves, that he was recalled.

The efforts of the military authorities to preserve order on the frontier were hindered for a long time by the failure of the authorities of the border states of Mexico to act in cooperation with the troops of the



United States against the Indians, and were hampered by not having permission to cross the border in pursuit of the Indians who were able to seek safety in the fastnesses of the mountains on the Mexican side of the Rio Grande. The endeavor on the part of the United States in 1870 to secure permission for troops to cross the border in pursuit of the Indians, failed first because the President of Mexico lacked authority to grant this and the Mexican Congress, the body which had this authority, was not in session at the time the request was made. After the Mexican Congress met a lack of sympathy between it and the executive and the fact that the elections were near, caused the Mexican official to whom Mr. Foster had addressed a note asking for information on this subject, to reply that the time was unpropitious for presenting the request to Congress. When the elections were over, the representative of Mexico indicated to Mr. Foster that there was no longer any difficulty in appealing to Congress for permission for troops of the United States to cross into Mexico in pursuit of Indians. The request was therefore presented but met with opposition from the Congress of Mexico. Repeated attempts to gain this permission met with no better success, and from time to time the authorities of the United States urged that it



would be necessary to send the troops across without permission, in fact such was the course taken when Col. Mackenzie in pursuit of Indians led his troops to the other side.

It was not alone in pursuit of Indians that troops of the United States crossed the border without permission of the governor of Mexico. In 1874, Governor Coke of Texas, issued an order to Captain Benavides to pursue cattle thieves across the river if necessary. The Attorney-General called the attention of Governor Coke to the fact that this order was exceeding his powers and infringing international rights but the Governor defended himself by stating that conditions on the border made it necessary.<sup>1</sup> In November of the same year, he commanded troops which crossed the border, but according to General Potter it was without the consent of the authorities of the United States. Another crossing was made by the order of General Ord in 1877 to secure the release of guides under arrest for having assisted troops of the United States in pursuit of Indians, Gen. Ord claiming that permission had been given by the authorities of that part of Mexico. Señor Mariscal denied that such permission had been given and asked the United States to disavow

1. Reports of Com., 45 Cong., 2 Sess., Serial No. 1824, Report 701, p. 160,-161.



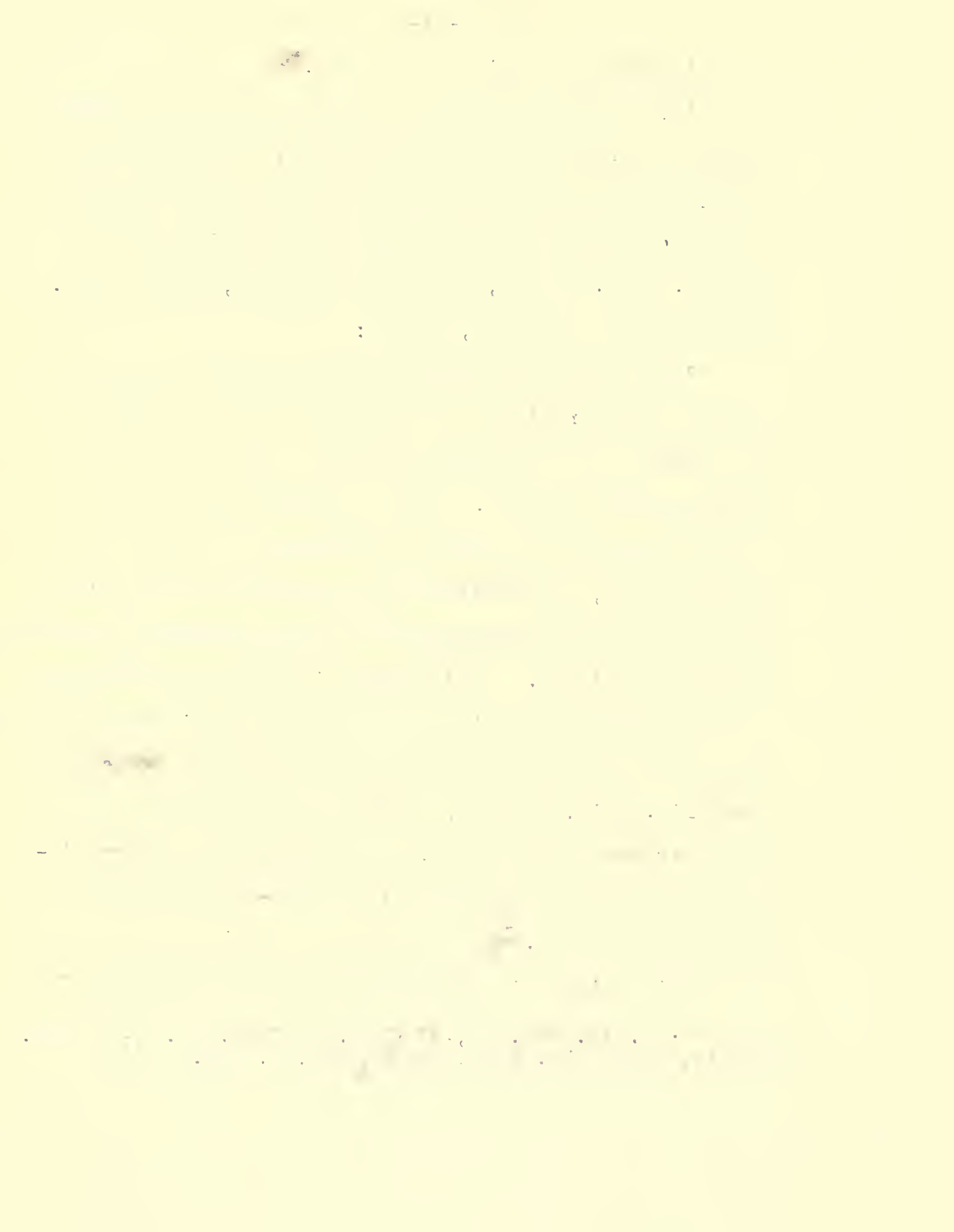
this invasion of Mexican territory.

It is true that the increase of troops after 1875 caused the raids to cease for a time, but when another raid occurred in 1877 it seemed that the only way to stop such outrages was to pursue the criminals into Mexico. Mr. Evarts, Secretary of State, wrote to Mr. Foster, March 31, 1877, saying:

"The opinion of Colonel S<sup>n</sup>after that the only way to check these atrocities is to follow the delinquents into Mexico and there attack them in their lairs, is probably well founded. As the authorities of that country seem to be unable or unwilling to check the depredations, the President may soon have to take into consideration the expediency of acting pursuant to Colonel Shafter's opinion. Undoubtedly it would be preferable to enter Mexican territory for the purpose indicated with the consent or acquiescence of the government of that republic. If, however, these should be refused, and the outrages persisted in, this government may deem it-self warranted in punishing the wrong-doers wherever they may be found."<sup>1</sup>

This opinion is in accordance with the report of a

1. H. Ex. Doc. 13, 45 Cong., 1 Sess., p. 4; and Com. Reports, Serial No. 1824, Report 701, p. 235.





Special Committee on Mexican border troubles of the 44th Congress, first session, which had advised additional troops between the Nueces and <sup>the</sup> Rio Grande and the permission to cross if necessary.<sup>1</sup> Therefore the War Department issued an order to Gen. Ord, June 1, 1871, which read as follows:

"The report of W. M. Shafter, Lieutenant Colonel Twenty-fourth Infantry, commanding the district of Nueces, Texas, concerning the recent raids by Mexicans and Indians from Mexico into Texas for marauding purposes, with your indorsement of the 29th ultimo, has been submitted to the President, and has, together with numerous other reports and documents relating to the same subject, been duly considered.

"The President desires that the utmost vigilance on the part of the military forces in Texas be exercised for the suppression of these raids. It is very desirable that efforts to this end, in so far at least as they necessarily involve operations on both sides of the border, be made with the cooperation of the Mexican authorities; and you will instruct General Ord, commanding in Texas, to invite such cooperation on the part of the

1. H. Report 343, 44 Cong., 1 Sess., and Reports of Com., 45 Cong., 2 Sess., Report 701, p. 150.



local Mexican authorities; and to inform them that while the President is anxious to avoid giving offense to Mexico, he is nevertheless convinced that the invasion of our territory by armed and organized bodies of thieves and robbers to prey upon our citizens should not be longer endured.

"General Ord will at once notify the Mexican authorities along the Texas border, of the great desire of the President to unite with them in efforts to suppress this long-continued lawlessness. At the same time he will inform those authorities that if the Government of Mexico shall continue to neglect the duty of suppressing these outrages, that duty will devolve upon this government, and will be performed, even if its performance should render necessary the occasional crossing of the border by our troops. You will, therefore, direct General Ord that in case the lawless incursions continue he will be at liberty, in the use of his own discretion, when in pursuit of a band of the marauders, and when his troops are either in sight of them or upon a fresh trail, to follow them across the Rio Grande, and to overtake and punish them, as well as retake stolen property taken from our citizens and found in their hands on the Mexican



side of the line."<sup>1</sup>

Because of the measure taken by the United States, orders were issued by the Mexican War Department ordering the general commanding on the border to move his force to such points that he could effectually protect the border, to prosecute robbers vigorously, and to cooperate heartily with the authorities of the United States in capturing criminals, but if an attempt were made by the troops of the United States to cross the border to meet force with force.<sup>2</sup> The War Department of the United States in turn ordered General Ord to meet Mexican cooperation cordially, and not to be hasty in pursuit across the border, excepting in aggravated cases.<sup>3</sup>

The Mexican Congress then granted the President power to arrange for the reciprocal crossing of troops with the United States, if the orders of General Ord should be withdrawn, but our government felt that the peace of the border was not sufficiently assured to allow of the withdrawal of the order,<sup>4</sup> and several crossings were made before the matter was adjusted. In 1878 General

1. Reports of Com., 45 Cong., 2 Sess., Serial No. 1824 Report 701, p. 241, Geo. W. McCrary, Sec'y of War to General Sherman, June 1, 1877.

2. Reports of Com., 45 Cong., 2 Sess., Serial No. 1824, Report 701, p. 242-3.

3. U. S. For. Rel., 45 Cong., 2 Sess., doc. 229.

4. U. S. For. Rel., 45 Cong., 3 Sess., doc. 362.



Ward was sent to the Rio Grande to find a trail of stolen horses and in response to the invitation of the commander of the Mexican side crossed the river and both United States troops and Mexicans pursued the trail in perfect good faith.<sup>1</sup> The government of the United States was pleased with this attitude of the Mexican commander, but not so the Mexican government, which ordered him to be deprived of his command.<sup>2</sup> The forces of Diaz pursued those of Lerdo across the border into the United States and the United States demanded that Mexico should disavow this action promptly, which she did.<sup>3</sup> On September 29, 1877, a force of United States troops in the command of Lieutenant Colonel Shafter, entered Mexico. The Mexican minister at Washington made a protest against this intrusion and said that the crossing did not have even the justification of the orders to General Ord, as it was not in pursuit of cattle-thieves or Indians, following a fresh trail, but for the purpose of attacking a camp of Lipans.<sup>4</sup> These invasions of Mexican territory and that by Col. Mackenzie previously aroused much resentment on the part of Mexico, and the United States was called upon to disavow them, just as the United States had protested against the violation of her territory in the

1. U. S. For. Rel., 45 Cong., 3 Sess., No. 335, Jan. 2, 1878.

2. Ibid, doc. 338, Jan. 17, 1878.

3. H. Ex. Doc., 45 Cong., 1 Sess., p. 15 and doc. 13, p. 34, and Reports of Com., 45 Cong., 2 Sess., Report 701, p. 254-255.

4. U. S. For. Rel., 45 Cong., 3 Sess., docs. 330, 334, 377.





case where a band of sixty armed Mexicans followed the trail of some Indians who had stolen horses and escaped across the border,<sup>1</sup> and again when the troops of Lerdo crossed during the revolution.

The report that the orders of June 1 were to be more rigorously enforced caused rumors of war in Mexico,<sup>2</sup> but that government strengthened its military posts in the border, and the disturbances ceased. A proposal for the reciprocal passage of troops in pursuit of Indians did not carry in 1880, but in 1882 such an arrangement was made.<sup>3</sup> The orders to General Ord had been withdrawn before that time, as soon, in fact, as it was seen that the government of Diaz was able and willing to preserve order on the frontier.

#### 4. DIFFERENCES IN REGARD TO THE INTERPRETATION OF THE EXTRADITION TREATY.

As most of the difficulties in executing the extradition treaty between Mexico and the United States were due to local prejudice in the border states and most

1. U. S. For. Rel., 45 Cong., 3 Sess., Serial No. 1842, doc. 351, Aug. 6, 1878.

2. U. S. For. Rel., 45 Cong., 3 Sess., Serial No. 1842, doc. 351, Aug. 6, 1878.

3. Ex. Doc., 47 Cong., 2 Sess., Serial No. 2009, doc. 211, Mr. Morgan to Mr. Frelinghuysen, May 6, 1882; doc. 212, Mr. Frelinghuysen to Mr. Morgan, June 6, 1882; doc. 235, Señor Romero to Mr. Frelinghuysen, May 12, 1882; doc. 238, Mr. Frelinghuysen to Señor Romero, June 6, 1882.



crimes for which extradition of the criminal was demanded were committed on the frontier, the correspondence between the officials of the two countries in regard to this matter may be treated with that of the frontier troubles. . There was an extradition treaty between Mexico and the United States in 1861. According to the terms of this treaty there was little difficulty in securing the extradition of a criminal whose citizenship was that of the country demanding him, but in some cases where the criminal was a Mexican demanded by the United States for crimes committed in her borders, Mexico was not willing to surrender him. The difficulty arose over the interpretation of the last clause of the sixth article of the treaty which read as follows: "Neither of the contracting parties shall be bound to deliver up its own citizens under the stipulations of this treaty."<sup>1</sup>

The interpretation sometimes put upon this clause of the treaty by Mexico was that she was not compelled to give up her own citizens even though guilty of crime in the United States. One example of this interpreta-

1. U. S. Treaties; U. S. For. Rel., 42 Cong., 2 Sess., pt. 1, Serial No. 1502, docs. 282, 283; Com. Reports, 45 Cong., 2 Sess., Report 701, p. 321-2 Ex. Treaty.



tion was the refusal of the governor of Sonora to give up to the governor of Texas certain murderers who had escaped to Mexico. An appeal was taken to the federal government but it refused to order the surrender of the criminals on the ground that they were Mexican citizens and so could not be given up.<sup>1</sup> The Government of Arizona claimed that an excess of lawlessness and murders committed by Mexicans in Arizona resulted from this interpretation of the treaty.

Another case in which the interpretation of the treaty was a matter of dispute was that of the band of raiders from Tamaulipas already mentioned, who crossed to Rio Grande City, broke open the jail and released two prisoners. Governor Hubbard of Texas at once demanded that the fugitives be surrendered and the perpetrators of the outrage punished. The State Department and Mr. Foster followed up the affair and the Government of Mexico gave positive orders that "all offenders implicated in the matter" should be given up. The Mexican official, however, was instructed to inform our Secretary of State in the most explicit manner "that in ordering the surrender of said offenders without being obligated to do so

1.U. S. For. Rel., 42 Cong., 2 Sess., pt. 1, Serial No. 1502, docs. 282, 283; Com. Reports, 45 Cong., 2 Sess., Report 701, p. 321-2 Ex. Treaty.



by treaties, when the giving up of the Mexicans is solicited, it has only been done on account of the exceptional circumstances of the case, and in order to give incontrovertible proof of the firm and sincere wish which animates the present administration to put an end to the troubles on the frontier; but that this new surrender is not to serve as a foundation for the conduct in all cases which may happen hereafter, nor to be cited as a legal precedent, inasmuch as it has been an entirely voluntary act on the part of the government of the republic, to which it has not been obligated by treaties, but only moved to it by the considerations named." Although the federal government had ordered their surrender, only three of the criminals were given up. After this the Mexican authorities claimed that the President's orders to surrender all those guilty had been withdrawn because of the peremptory language used by Governor Hubbard and because he feared to establish a precedent. The truth of the matter was that much local feeling and race prejudice had been aroused and the authorities of Tamaulipas were determined to surrender as few Mexicans as possible to the United States.<sup>1</sup>

In the same year in which the raid on the jail was

1. Reports of Com., 45 Cong., 2 Sess., Report 701, Serial No. 1824, Appendix D. p. 333-4, Señor Vallarta to Senor Mata, Sept. 10, 1877.





made, a similar question of the extradition of Mexican citizens occurred and was taken to the Mexican courts. The authorities of Texas had applied to the authorities of Tamaulipas for the extradition of two persons, Dominguez and Barrera, charged with murder. They were arrested but appealed to the district judge of Matamoras for "amparo", or protection. The judge sustained the application but an appeal was taken to the federal courts where the case was argued from the standpoint of international law. One side argued that according to the treaty Mexican citizens could not be given up. Señor Vallarta, on the other hand, interpreted the treaty as in no way making it impossible for Mexico to surrender citizens accused of crime, while the rights of international law demanded that they should be surrendered. He quoted as an example a celebrated case in which the United States had given up a Spaniard, even when there was no extradition treaty; Mr. Seward, Secretary of State, basing his action on the law of nations. As the result of the trial, the decision of the district judge was reversed and the criminals surrendered.<sup>1</sup>

After the Mexican authorities put this interpretation upon the treaty, Señor Cuellar gave Mr. Seward a

1. U. S. For. Rel., 45 Cong., 3 Sess., Serial No. 1842, doc. 349, July 17, 1878.



note saying the Mexican government had given up Mexican citizens although not required to do so by the treaty and asking if the United States would reciprocate. Mr. Seward replied that the question was too sweeping to be answered at once with precision. He said that most cases arose on the frontier and were dealt with by local authorities, but an appeal might be made to Washington.<sup>1</sup>

Although there was no case during this period in which the United States failed to keep the treaty in so far as it concerned surrendering a criminal, the officials of the border states sometimes caused just complaint on the part of Mexico in their action in regard to criminals escaped into Mexico, by not observing the proper formalities, required for extradition, and by taking the matter into their own hands. A particularly flagrant case occurred in 1881, when Captain Giliett crossed into Mexico without warrant and brought back an American citizen who had been in Mexico several months but who was accused of murder. The prisoner was then hanged without a trial.<sup>2</sup>

Where there was no question of the accused's being a Mexican citizen, the government of Mexico readily sur-

1. U. S. For. Rel., 45 Cong., 3 Sess., Serial No. 1842, doc. 378.

2. U. S. For. Rel., 47 Cong., 1 Sess., doc. 498, Senor Zamacona to Mr. Blaine, April 19, 1881.



rendered a criminal when requested to do so by the proper authorities. A thief was surrendered in 1871 upon the demand of the governor of Texas. In another case the federal authorities of Mexico not only ordered the surrender of a criminal, but gave all possible assistance for his arrest after he had escaped. The criminal in question escaped by the connivance of the notorious Cortina, but the federal government then ordered Col. Cristo, the military commander of Matamoras, to make the arrest, and also addressed circulars to the states to which the fugitive might have escaped. Even in cases where there was a difference of opinion in regard to the treaty, the general tendency of the federal government of Mexico during this period was to assist the execution of justice by the surrender of those known to have been guilty of acts of crime in the United States.

In connection with the question of extradition, there came up the question whether the Mexican government had laws under which its citizens could be punished for crimes committed in Texas. Señor Vallarta sent to Mr. Evarts a note, September 10, 1877, saying that Mexico did have such laws and enclosed the following translation of them:

Article 186.

"Crimes committed in foreign territory by a Mexican



against Mexicans, or against foreigners, or by a foreigner against Mexicans, can be punished in the republic and in conformity to its laws, if the following requisites occur:

"1. That the accused is in the republic, either because he has come voluntarily or because his extradition has been obtained.

"2. That if the injured person should be a foreigner, there shall be complaint on the lawful side.

"3. That the offender shall not have been tried definitely in the country in which the crime was committed; or that, if he was, he has not been acquitted, amnestied, or pardoned.

"4. That the offense of which he is accused shall have the character of a crime in the country in which it was committed, and in the republic.

"5. That conformably by the laws of these he shall deserve a more serious penalty than that of imprisonment."

Article 187.

"In the case of the preceding article, if an offender tried in a foreign country should make his escape, there shall be imposed on him in the republic the penalty which the laws of the latter prescribe, allowing him always for what he may have suffered of the penalty imposed on him in the foreign country." <sup>1</sup>

1. Reports of Com., 45 Cong., 2 Sess., Serial No. 1824, doc. 701, Appendix D., p. 334.





The Committee on Foreign Affairs, however, found from the State Department that "no case had ever been known of a Mexican, resident of Mexico, being punished for a crime committed in Texas or elsewhere in territory of the United States."<sup>1</sup>

The Committee inquired especially into what had been done in the case of the Corpus Christi raid of March 1875, mentioned above, when "a large party of these robbers penetrated the interior as far as within eighteen miles of Corpus Christi, robbing stores and ranches, and murdering and capturing citizens, and capturing and destroying United States mails."<sup>2</sup> They found that although ten of the raiders had been arrested and imprisoned by the Mexican government, they had been released without punishment.

#### 5. THE BOUNDARY QUESTION.

Although the local authorities on one side of the frontier, as we have seen, often came into conflict with those of the opposite side, a question that arose in regard to the boundary between the Territory of Arizona and the State of Sonora, was peaceably adjusted by their respective governors. The question arose when a mine

1. Reports of Com., 45 Cong., 2 Sess., Serial No. 1824, doc. 701, p. XXII.

2. Ibid, p. 117, telegram from Richard Coke, Gov. of Texas, to the President of the United States.



called the Oro Blanco, was opened by an American company, of Arizona, near the boundary of Sonora. The controversy was settled by the appointment of two surveyors, one by Governor Safford of Arizona, and the other by Governor Pasquiera, of Sonora, to trace the boundary line.<sup>1</sup>

Other questions in regard to the boundary between the United States and Mexico arose because changes in the course of the Rio Grande placed on either side of the river considerable portions of land belonging by existing treaties to the jurisdiction of the country on the opposite side of the river. President Grant in his message of Dec. 4, 1876, stated that the acts of violence committed by the citizens of one republic on those of the other, were increased in frequency and their adjustment made more difficult by this uncertainty in regard to the boundary.<sup>2</sup> Although the adjustment of this cause of difficulty was under consideration by the two republics at that time, the question in dispute was not settled until later. Finally, in 1882, the difficulty was satisfactorily adjusted by a convention for an international boundary survey to relocate the existing frontier line west of the Rio Grande.<sup>3</sup>

1. U. S. For. Rel., 43 Cong., 2 Sess., doc. 488, August 15, 1874.

2. President's Messages, Dec. 4, 1876.

3. U. S. Treaties and Conventions.



IV.

COMMERCIAL RELATIONS BETWEEN THE UNITED STATES AND  
MEXICO FROM 1868 TO 1883.

The events previously narrated, which led to more peaceful conditions on the border of the United States and Mexico, had their influence on the commercial relations of the two republics. In the diplomatic correspondence of this period, we find an account of the commerce between the United States and Mexico and the efforts made to increase the same; the tariff regulations and especially that making part of the border states <sup>of Mexico</sup> exempt from local tariff duties; the lack of easy means of communication between the two countries and the increased facilities for the same during this period. The subject of bonds issued by the Mexican government and held by citizens of the United States was also considered.

1. COMMERCE BETWEEN THE UNITED STATES AND MEXICO.

The conditions of the commerce of the United States with Mexico in 1870 was summed up from information gathered from all the United States consuls in Mexico by Mr. Foster in a report to the State Department in November of that year. Mr. Foster, in his report said that "the present commercial intercourse between the United States and Mexico is in a state of the utmost prostration and decadence. In Mexico City there are only



two or three mercantile houses and only a score or two of American residents.

"- - - The commerce of importation into this republic is almost exclusively in the hands of European merchants, chiefly English, French, and Germans. The large number of citizens of the southern states of the Union who came to Mexico immediately after the rebellion, have almost all returned to the United States."<sup>1</sup>

The causes of this low state of American commerce in Mexico he summed up as follows:

"1st. The force of habit; the European having preceded us in establishing commercial relations here.

"2nd. The low rate of interest which European houses pay for their borrowed capital, contrasting with that of the United States in the proportion of from five to ten per centum.

"3rd. The fact that European manufacturers of cotton and fancy goods invariably consult the Mexican taste, thus enabling them to make little account of durability of material and successfully to compete with American articles of stronger texture, but subdued colors.

"4th. The chronic insecurity of life and property, which has exerted, and still exerts a fatal influence upon all foreign capital in the country, and whose effect

1.U. S. For. Rel., 41 Cong., 3rd Sess., 1445, No. 212, Mr. Nelson to Mr. Fish.





on Americans has been absolutely to preclude its introduction.

"5th. The entire want of railroad and telegraphic communication between the two countries along our 1,500 miles of frontier."<sup>1</sup>

As remedies, Mr. Foster thought that something ought to be done diplomatically toward the Mexican revenue system, and in the second place, "by moral support of the present patriotic and liberal government, we shall contribute to the rapid development of energetic protection of life and property;" and lastly, by the establishment of railroads through Texas, Arizona, and New Mexico to the Mexican frontier, which would increase the commerce between the two countries. The need for the first measure was further set forth by Mr. Foster in a paper prepared for the manufacturers of the Northwest in 1878. As that report showed, the Mexican tariff duties on certain articles were so high as to be almost prohibitory. In addition to this tariff, there were state, and municipal duties to be paid. These varied with each state. In the federal district of the City of Mexico it was two per cent of the maritime tariff, but in the neighboring State of Hidalgo it was 12-1/2 per cent of that tariff,

1.U. S. For. Rel., 41 Cong., 3rd Sess., Serial No. 1445, doc. 212, Mr. Nelson to Mr. Fish.



and in other states as high as 25 per cent.<sup>1</sup> The following list of the cost of certain articles imported illustrates the high tariff from the United States into Mexico:

One barrel of flour, New York cost	\$6.00
Total charges	23.00
Cost in City of Mexico	<u>29.03</u>
\$1 in New York cost \$4.84 in Mexico.	
One barrel or box of crackers, New York cost	\$5.50
Cost in City of Mexico	20.06
\$1 in New York cost \$3.64 in Mexico.	
One barrel of salt, cost in New York	\$2.00
Cost in City of Mexico	120.04
\$1 in New York cost \$10.20 in Mexico	
One barrel of Milwaukee beer (cost on board steamer in New Orleans)	\$13.00
Cost in City of Mexico	35.61
Furniture, wardrobe, bed, New York cost	\$121.15
Cost in City of Mexico	249.10
Oil-cloth 8/4 wide, New York cost per sq.yd.	\$.45
Cost in City of Mexico per running yard (33 inch)	3.08

Machinery, which was on the free list, was limited in the amount imported into Mexico because of the high cost of transportation. Of agricultural implements, which were also on the free list, the use was little understood. "The pattern used 3,000 years ago on the plains of Asia is that which generally prevails in this country."<sup>2</sup>

A report which was made by the Committee on Foreign

1.H. Ex. Doc., 45 Cong., 3 Sess., Serial No. 1852, doc 15, p. 11, Mr. Foster to Mr. Mason, Oct. 9, 1878.

2. Ibid.



Affairs of relations with Mexico, April 25, 1878, gave the amount of the trade with Mexico, and showed why it was very small in comparison with that of other countries. The trade of the United States with Mexico was \$1.97 per capita of its population, while the trade of the United States with Cuba was \$63.97 per capita of the population. The whole foreign trade of Mexico was found to be only \$6.66 per capita of its population.<sup>1</sup> The reason for this is found in the instability of the Mexican government. The report said: "In examining the statistics of commerce with Mexico from year to year, attention is at once attracted to the fact that whenever there has been a period of peace and quiet, even during the short supremacy of the Maximilian regime, commerce immediately expanded, and on the reappearance of the blighting breath of anarchy and revolution it again immediately diminished in an important degree."<sup>2</sup> The unsettled government of Mexico, making it unsafe for American merchants to establish traders there, also accounted for the fact that the exports of the United States were smaller than the imports from that country, for statistics show that for the five years ending June 30, 1876, its imports from Mexico exceeded the exports

1. Reports of House Com., 45 Cong., 2 Sess., Serial No. 1824, doc. 701, p. XXX.

2. Ibid, p. XXXII..



to the amount of \$6,465,183 per annum, and in the next year the balance was still more in favor of Mexico.

The Committee mentioned above did not favor a commercial treaty. They said in their report: "In considering whether a commercial treaty could give us increased facilities for trade with Mexico, it would appear that no results of any importance can be looked for by that means. Of all our imports from Mexico during the fiscal year ended June 30, 1876, we find that 90 per cent came in free of duty, and during the fiscal year ended June 30, 1877, the proportion was 91 per cent. The list of articles free of duty under our present tariff, embraces a large proportion of the special products of Mexico and the Spanish American countries generally, with the exception of sugar and tobacco. The average proportion of all our imports from Mexico, Central and South America, during the fiscal year ended June 30, 1876, which came in free of duty, was 94 per cent.

"There is, therefore, but little more left for us to offer as an equivalent for increased facilities, such as an abatement of duties on the importation of our products into Mexico or any of those countries. As we have before stated, our agricultural implements and machinery are now admitted free of duty, under the existing





tariff of Mexico."<sup>1</sup>

In spite of the unfavorable report of this Committee, negotiations which had been begun for a new treaty continued. President Grant in his message in 1875 had expressed the hope that our trade with Mexico would expand and had asked Congress to take measures to secure this expansion.<sup>2</sup> In the next year Señor Romero favored a reciprocity treaty with the United States; in 1881 Mr. Blaine wrote that: "In future dispatches more detailed instructions will be given for touching certain points of interest to the two governments in the direction of enlarged reciprocal trade and interchange of commodities;"<sup>3</sup> and Señor Navarro in 1880 gave notice of the wish of his government to terminate the treaty of 1831 in order to come into closer commercial relations with the United States.<sup>4</sup> Therefore, in accordance with agreement the treaty was terminated one year from the notification and a new treaty of friendship between the government of the United States and the government of Mexico was formed in 1883.<sup>5</sup>

1. Ibid, p. XXXIII.

2. Presidents' Messages, Dec. 1875.

3. U. S. For. Rel., 47 Cong., 1 Sess., Serial No. 2009, doc. 452, Mr. Blaine to Mr. Morgan, June 1, 1880.

4. U. S. For. Rel., 47 Cong., 1 Sess., Serial No. 2009, doc. 485, Señor Navarro to Mr. Evarts, Nov. 30, 1880.

5. U. S. Treaties and Conventions.



The second means which Mr. Foster had mentioned of increasing our commerce with Mexico was the encouragement of a liberal government which would give greater security to life and property in Mexico. This insecurity was not greatly decreased from 1870 to 1878. As late as the latter date Mr. Foster wrote as follows in regard to conditions in Mexico: "Not a single passenger train leaves this city for Vera Cruz, the terminus of the only completed railroad in the country, without being escorted by a company of soldiers to protect it from assault and robbery. The manufacturers of this city who own factories in the valley within sight of it, in sending out money to pay the weekly wages of the operatives always accompany it with an armed guard."<sup>1</sup> But after that time conditions did improve for Mr. Blaine in the letter mentioned above said: "It is a source of profound gratification to the Government of the United States that the political condition of Mexico is so apparently and assuredly in the path of stability, and the administration of its constitutional government so regular, that it can offer to foreign capital a just and sure protection without which the prospect even of extravagant profit will fail to tempt the extension of safe and enduring commercial and industrial enterprises.

1. House Ex. Doc., 45 Cong., 3 Sess., doc. 15, p. 19, Serial No. 1852, Mr. Foster to Mr. Mason, Oct. 9, 1878.



It is still more gratifying that with a full comprehension of the great political and social advantages of such a mode of developing the material resources of that country, the Government of Mexico cordially lends its influence to the spirit of welcome and encouragement with which the Mexican people seem disposed to greet the importation of wealth and enterprise in their midst."

The third measure, that is the building of railroads necessary to increase the commerce of Mexico and of the United States, will be treated in another section of this chapter.

Before leaving the subject of the commerce of the two countries there was some diplomatic correspondence in regard to a few special cases of commercial interest which should be mentioned. There were one or two complaints of discrimination shown against American vessels at La Paz by the local authorities. The United States also protested against the action of Yucatan in offering a bounty on hemp exported to Europe, but not to that exported to the United States. The United States claimed the industry had been developed by American steamship companies. The Mexican minister acknowledged the discrimination was contrary to the treaty of 1831, but said that the premium was granted only for two years



and had already expired.<sup>1</sup> All of these cases were amicably adjusted by the ministers of the two governments.

## 2. THE "FREE ZONE."

In addition to the onerous revenue system of Mexico, with its federal, state, and municipal duties, above mentioned, there was the "free zone" which proved a source of irritation to the United States. When a new dividing line between Mexico and the United States was established by the treaty of February 2, 1848, the towns on the Mexican side of the Rio Grande were at a great disadvantage to those on the other side and on account of this inequality of condition, fell into "decadence." The commercial advantages of the towns on the north side were due to the fact that the United States had ports of deposit which Mexico did not have, that the tariff in the United States at that time was much lower than in Mexico, and that there were no state and municipal duties to be paid in the United States, as there were in Mexico. To remedy this condition, in 1849 the federal government of Mexico gave free importation for three years for certain goods through the custom-house of Tamaulipas.<sup>2</sup> This did not meet the needs of the situation and the "free zone" was formed.

1. U. S. For. Rel., 47 Cong., 1 Sess., Serial No. 2009, docs. 445, 447, 479.

2. Sen. Ex. Doc., 50 Cong., 1 Sess., Serial No. 2513, doc. 130, p. 141, Señor Romero to Mr. Bayard, Feb. 10, 1888, with inclosure.





This "free zone" was first established by a decree of the governor of Tamaulipas during the revolution in Mexico and was afterward confirmed by the federal government of Mexico. In his decree establishing the "free zone" the governor set forth his purpose in the preamble which reads as follows:

"The citizen Ramon Guerra, governor ad interim of the State of Tamaulipas, considering that the towns on the northern frontier are really in a state of decay for the lack of laws to protect their commerce; that, situated in the immediate vicinity of a mercantile nation which enjoys free commerce, they need equal protection in order not to lose their population, which is constantly emigrating to the neighboring country; desiring to put an end to so serious an evil by means of privileges which have so long been demanded by the commerce of the frontier; favorably considering the petition of the inhabitants of Matamoras, and using the extraordinary faculties with which I am invested by the decree of December 28, the last of the honorable legislature of the State, with the advice and consent of the council, I have seen fit to decree as follows:"

The following is a brief summary of the decree itself: Article I of the decree defined the privileges of the free zone. "Goods designed for the consumption of



the City of Matamoras and of the other towns on the bank of the Rio Bravo, Reynosa, Camargo, Miers, Guerrero, and Monterey Laredo" were allowed to enter free from municipal and state duties. Article II invited merchants from the United States' side of the river to cross to the other side and settle, allowing them to bring their goods free of duties. Article VIII was in regard to smuggling. The other articles were mainly in regard to merchandise taken from the "Zona Libre" to the interior of Mexico.<sup>1</sup>

When the tariff in the United States was higher than that of Mexico, the free zone worked unfavorably upon the towns in the United States near the Mexican border on account of smuggling. Before the establishment of the zone, American goods had been smuggled into Mexico. From its establishment until the civil war smuggling almost ceased.<sup>2</sup> During the civil war the zone was used to introduce foreign goods into the United States by smuggling, and after the close of the war the continued high tariff on the American side led to a continuance of illegal traffic. The result was loss of population on the American side and the increase in population on the Mexican side, so that in 1864 the latter contained three

1. Reports of Com., 45 Cong., 2 Sess., Serial No. 1824, Report No. 701, p. 302.

2. U. S. For. Rel., 42 Cong., 3 Sess., Serial No. 1552, No. 284; Mr. Nelson to Mr. Fish, Jan. 23, 1872.



times the population of the former, which had threatened to absorb them. Honest merchants, unable to compete with the smugglers, had been compelled to give up their business, or engage in smuggling themselves.<sup>1</sup>

That the general working of this "free zone" was favorable to the smugglers in Mexico is explained by a letter from Mr. Plumb to Mr. Seward, Secretary of State in 1867. He says in part:

"All merchandise coming from abroad is allowed to be received and entered at Matamoras without payment of any duty or charge whatever except a small municipal tax. This exemption extends not only to all effects consumed in Matamoras and a limited region of a few leagues thereabouts, but also to merchandise placed in store, which may be so held as long as desired. If goods are sent from Matamoras to Reynosa, Camargo, Mier, and Guerrero, for consumption there, they have had to pay, for the last three years in Matamoras, before leaving, one-quarter of the regular tariff rates, except groceries, which pay nothing. Goods sent from Matamoras to Monterey pay full tariff rates in Matamoras, and the usual one-fifth additional or 'contra registro' duty in Monterey. Goods proceeding from Reynosa, Camargo, Mier, and Guerrero to the interior are supposed to pay at those places full tariff rates.

1. Reports of Com., 45 Cong., 2 Sess., Serial No. 1824, Report No. 701, p. 298, extract from report to the U. S. Sen., May 16, 1870.



"All merchandise coming from abroad to Matamoras is entered at the custom house there with the usual formalities; but the merchant is then allowed to take it to his warehouse and hold it at his pleasure, and it is only on sending it to the points above mentioned in the interior that he is called upon to pay any duty, except the small municipal tax before mentioned.

"It results from this singular disposition that the port of Matamoras is practically erected into a free depot immediately on our border, where merchandise brought from Europe can be deposited, and where it can be held free of duty until such time as convenient arrangements can be expected or opportunity occurs for its illicit introduction across the narrow Rio Grande into the United States. It is apparent this is not desirable for the interest of the revenue of the United States."<sup>1</sup>

The general attitude of the United States in regard to the "Free Zone" was that expressed as follows by Mr. Foster: "It was established by the unconstitutional and independent act of a state governor. After much discussion it was approved by Congress on the ground of its hostility to American Commerce."<sup>2</sup> Mr. Blaine in 1868

1. Reports of Com., 45 Cong., 2 Sess., Serial No. 1824, Report No. 701, p. 292, Mr. Plumb to Mr. Seward, June 7, 1867.

2. U. S. For. Rel., 45 Cong., 3 Sess., Serial No. 1842, doc. 372, Señor Romero to Mr. Bayard, Feb. 10, 1878.





introduced a resolution in the House of Representatives calling attention to this unfriendly measure as interfering with the commerce of the United States, but Congress failed to take any action.<sup>1</sup> President Grant in his message of December 3, 1871, said that Mexico had not yet repealed "the very objectionable laws establishing what is known as the 'free zone.'<sup>2</sup> Again in 1875 he called attention to the injury which these laws did to commerce.<sup>3</sup> The free zone was one of the grievances mentioned as preventing the prompt recognition of Diaz, and its extension at different times called forth hostile criticism from the government of the United States.

The Mexican authorities denied that the zone had been established with any unfriendly feeling and endeavored to abate the evils it caused by stringent laws against smuggling. Article VIII of the decree itself threatened that the decree would be revoked if state or municipal authorities did not use the utmost vigilance to prevent smuggling. During the revolution of 1871 a circular was issued saying: "No cargo shall pass from Nuevo Leon to the interior without express permission given in writing."<sup>4</sup> Later smuggling was even made a penal

1. Reports of Com., 45 Cong., 2 Sess., Serial No. 1824, Report No. 701, p. XXI.

2. President's Messages, Dec. 3, 1871, p. 146.

3. Ibid, Dec. 7, 1875, p. 341.

4. U. S. For. Rel., 42 Cong., 3 Sess., Serial No. 1552, No. 268, Mr. Nelson to Mr. Fish.

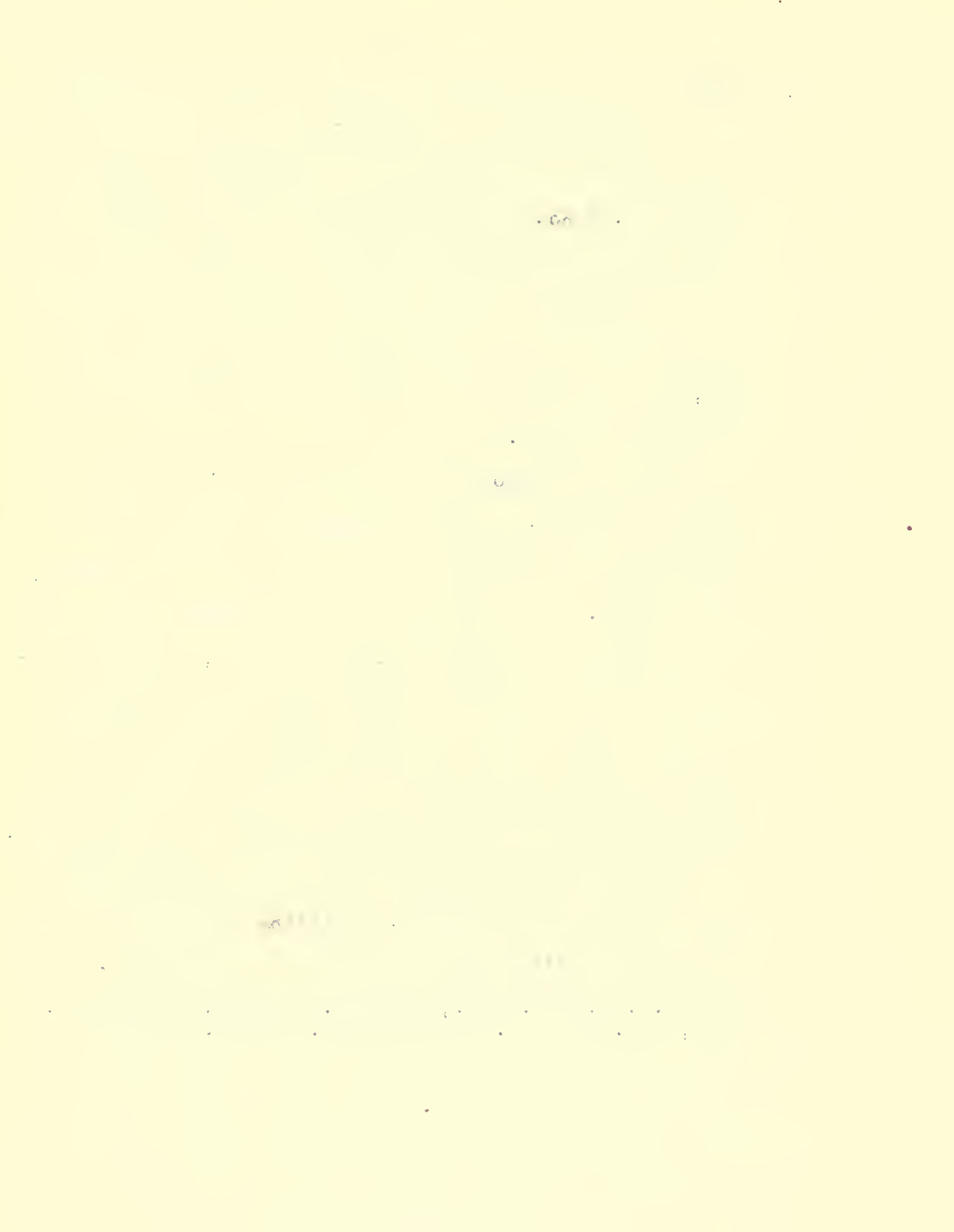


offense and not bailable and several of the citizens of the United States were imprisoned under this law, but were afterward released as the charges were trivial or unfounded.<sup>1</sup> Señor Guzman defending the zone argued that the frontier derived great benefit from it, that smuggling was more difficult then because of the system of passes and of inspectors upon the roads leading to the interior, and that the national treasury had enjoyed an increase of revenue.

That measures on the part of the United States to prevent smuggling would be necessary so long as the tariff in this country was higher than that in Mexico, was evident. The Secretary of the Treasury when appealed to for information, however, stated that, although custom officers would be necessary to prevent smuggling so long as our tariff system existed, he was "not advised that the number and cost of such officials could be diminished if the Free Zone of Mexico were abolished."

As the conditions which led to the establishment of the "free zone" changed, repeated attempts were made on the part of the Mexican congress to abolish it. When

1.U. S. For. Rel., 46 Cong., 3 Sess., Serial No. 1951, doc. 451, Mr. Hunter to Mr. Foster.



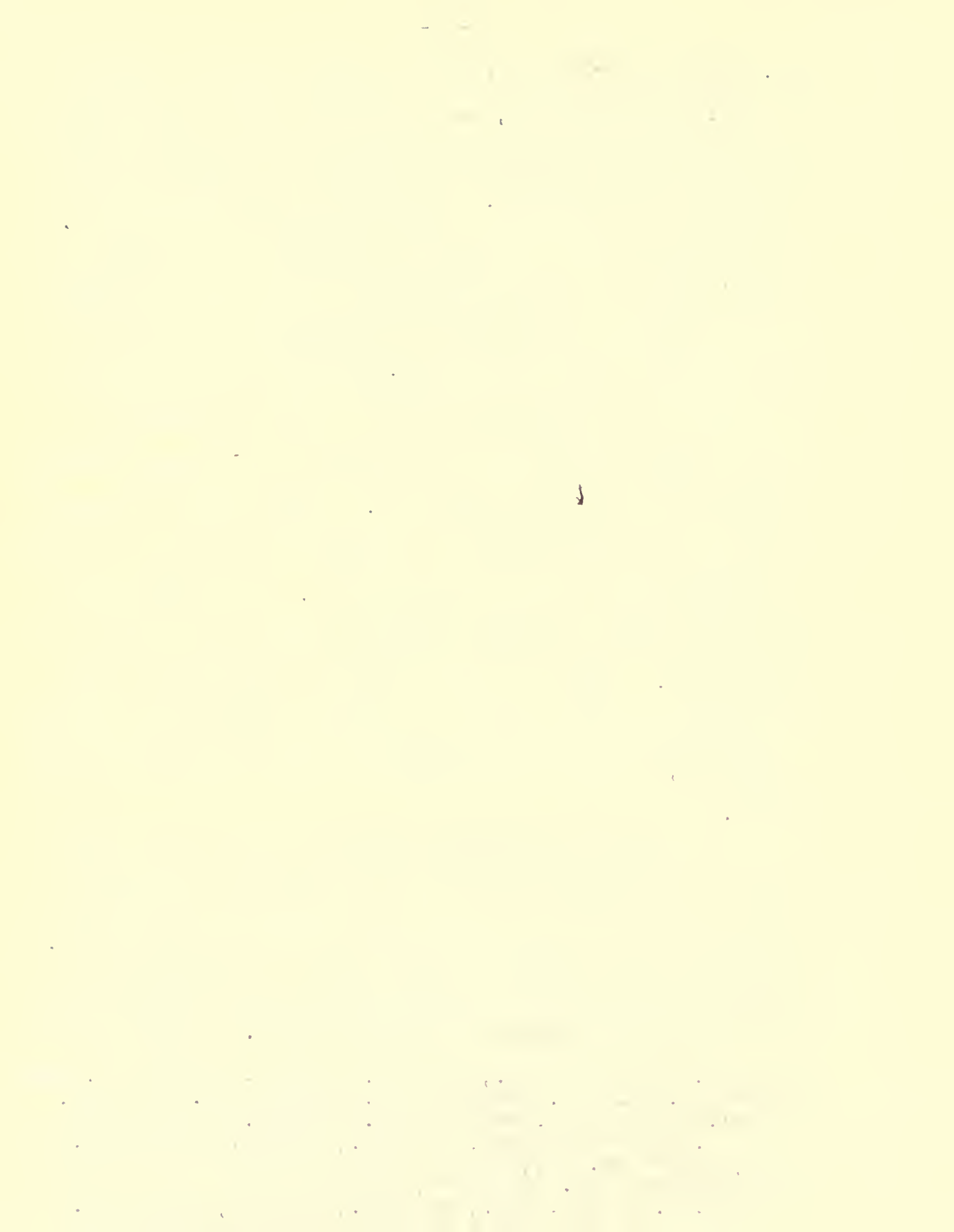
Mr. Plumb in 1868 conferred with Señor Lerdo in regard to abolishing the zone, he was informed that the subject was then under discussion in Congress in connection with a reform of the revenue.<sup>1</sup> Señor Romero, Secretary of the Treasury, one of the ablest opponents of the 'free zone,' opposed it as a privilege, such as was prohibited by the Mexican constitution; as unnecessary because of the change of conditions since 1858, most of the ports of deposit on the American side in front of Tamaulipas having been removed, and the excise in the states bordering Tamaulipas having been abolished.<sup>2</sup> The attempt to abolish the zone in 1870 failed, but Congress also failed to finish the legislation which would extend it. The whole matter was left over to the next Congress, which in turn did not abolish it. When it came up in later Congresses, local interest was strong enough to prevent politicians from abolishing it, although the statesmen of the time saw the evil of it.

Not only did selfish interests work for the maintenance of the free zone, but the promise of extension for it was also a bid for the favor of the border states. Coahuila claimed that when Diaz began his revolution he had promised to extend it to all Coahuila.<sup>3</sup> The attempts,

1. Report of Com., 45 Cong., 2 Sess., Serial No. 1824, Report No. 701, Mr. Seward to Mr. Plumb, Sept. 30, 1868, and Mr. Plumb to Mr. Seward, Dec. 3, 1868.

2. Reports of Com., 45 Cong., 2 Sess., Serial No. 1824, Report No. 701, Speech of Señor Romero in the Mexican Congress, Oct. 28 and 29, 1870.

3. U. S. For. Rel., 46 Cong., 3 Sess., Serial No. 1951, No. 456, Dec. 26, 1879, Mr. Foster to Mr. Evarts.



as mentioned above, to extend the zone, met with opposition on the part of the United States, which protested against such action after having been twice petitioned by the citizens of El Paso, Texas, to do so.<sup>1</sup> However, this did not prevent its extension. In 1884 the zone was extended as far as Nogales, Arizona,<sup>2</sup> and by 1887 it included the States of Coahuila, Chihuahua, and the territory of Lower California, for a distance of twenty kilometers from the boundary line.<sup>3</sup>

The subject of the "free zone" was reviewed at length several times in the diplomatic correspondence of this period. The threat to delay the recognition of Diaz until the Mexican congress took action in regard to the abolition of the zone was unavailing, for so soon as a sound government was established, and Mexico had shown a willingness and disposition to keep peace on the frontier, the government of the United States no longer hesitated to renew diplomatic relations with Mexico without exacting any regulations in regard to this matter. It was named as one of the matters to be agreed upon when a treaty of friendship was made, but the treaty of 1883 was made without mentioning this subject. Protests on the part of the United States had perhaps in

1. For. Rel. . . , 47 Cong., 1 Sess., Serial No. 2009, docs. 463, 466, 473, 476.

2. Sen. Ex. Doc., 50 Cong., 1 Sess., Serial No. 2513, No. 130, p. 9-10.

3. Sen. Ex. Doc., 50 Cong., 1 Sess., Serial No. 2513, No. 130, p. 140; and Bancroft Hist. of Mex., Vol. VI, Note 39, p. 547.





some degree lessened the evil attendant upon it, by causing greater strictness on the part of Mexico in preventing smuggling, but had not prevented the extension of the free zone or brought about its abolition.

### 3. AMERICAN INTEREST IN RAILROADS IN MEXICO.

*In considering*  
~~Now to consider~~ the third of Mr. Foster's suggestions for increasing the commercial relations with Mexico, ~~for~~ it must be observed that at a time when railroads and telegraph were common in this country there were no railroads in Mexico aside from a few short disconnected lines, and no railway or telegraphic communication between the United States and Mexico. The postal service was poor as Mexico had not yet entered the postal union and there was no law compelling mail to be forwarded between the two countries.<sup>1</sup> Aside from wagon roads, trade communication was limited to a few steamship lines which were subsidized by Mexico but received no aid from the United States.<sup>2</sup> Such was <sup>the</sup> lack of quick and easy communication and of cheap transportation.

If commerce between the United States and Mexico were to increase it was absolutely necessary that there should be interstate railway connection. Mr. Foster in his paper written for the manufacturers of the Northwest, already referred to, had quoted Mr. Nimmo, the government statistician, as saying that: "The only way in

1. House Reports, 45 Cong., 3 Sess., Serial No. 1866, Report 108, Feb. 13, 1879.

2. House Ex. Doc., 45 Cong., 3 Sess., Mr. Foster to Mr. Mason, Serial No. 1852, Doc. 15.



which any considerable commerce can be built up between the United States and Mexico is by the extension of our railroad system from the Rio Grande to the City of Mexico." He also quotes from an address made by Señor Zamacena before the same assembly: "The most necessary feature in building up commerce between our countries is the constfuction of an international railroad."<sup>1</sup> Business men in the United States were therefore interested in railroads in Mexico and in railroads connecting the United States and Mexico for two reasons; first, as an investment for capital; second, in order to increase the facilities for commerce between the two countries. But the unstable character of the government, the frequent revolutions, the low state of public credit, the insecurity of life and property, the difficulty of obtaining charters and the illiberal character of these, when obtained, prevented American railroad enterprises from successfully entering the field before the administration of Diaz, or in the early years of his rule.

The first railroad in Mexico, aside from a few short disconnected lines, was the Mexican Railroad between Vera Cruz and the City of Mexico, the total length of which was two hundred and sixty-one miles. It was begun by an English company, but work was hindered during the time of the Empire.<sup>2</sup> It was resumed later under a

1. H. Ex.Doc., 45 Cong., 3 Sess., Serial No. 1852, doc. 15, p. 5, Mr. Foster to Mr. Mason.

2.U.S.For. Rel., 42 Cong., 2 Sess., pt. 1, Serial No. 1502, doc. 286, Mr. Nelson to Mr. Fish, April 12, 1871.



new management, and was opened to the public January 1, 1873.<sup>1</sup>

Another English company, the Central Railroad Co., secured a contract to construct a road from the City of Mexico to the City of Leon. Diaz gave the granting of this charter as one reason for his declaring a revolution. The work which had been begun on this railroad was stopped by the revolution, not only because the workmen were impressed into the opposing armies, but also because the revolution impaired the credit of the company, so that it could not dispose of its bonds. Diaz declared the charter forfeited and tried to collect \$150,000 for non-fulfillment of the contract. As England had then no representative in Mexico, the English agent of the company appealed to the Minister of the United States in Mexico for assistance, and through Mr. Foster's intervention the amount was lowered, but all work done on the railroad was forfeited.<sup>2</sup>

The first railway enterprises in Mexico begun by citizens of the United States were also unsuccessful. From information given in a report of the Secretary of the Treasury to the House of Representatives, it is seen that although several charters had been granted

1. Bancroft, Hist. of Mex., Vol. VI, p. 555.

2. Sen. Doc., 45 Cong., 3 Sess., Serial No. 1831, doc. 73, Sec'y of State to Senate.





before 1870 for railroads from the Rio Grande into Mexico, work had not been begun and the charters in most cases had been forfeited.<sup>1</sup> Another charter which was forfeited was for the Tehauntepec Railroad, Isthmus of Tehauntepec, State of Oaxaca. Work was begun on this and the government of Mexico appointed engineers to cooperate with those from the United States in surveying the isthmus, but the charter was afterward declared forfeited and the Mexican government itself undertook to build the railroad.<sup>2</sup> Still another unsuccessful enterprise was that of the International Railroad Co. of Texas, which received a charter from the Mexican Congress in 1873, but this charter was revoked the next year. A new contract was made with the company by the minister of public works and was pending in the Mexican Congress when the Lerdo government was overthrown. Afterward Diaz published a decree nullifying the contracts of the former government, and the matter did not again come up in Congress.<sup>3</sup>

The treatment which the English company had received shows some of the disadvantages under which capitalists seeking investment in Mexican railroad enterprises labored. The prejudice against granting charters to citi-

1. Ex. Doc., 48 Cong., 1 Sess., Serial No. 2200, doc. 86, p. 35, Report of Sec'y of Treas., Feb. 6, 1884.

2. U. S. For. Rel., 42 Cong., 2 Sess., pt. 1, Serial No. 1502, doc. 284, Mr. Nelson to Mr. Fish, March 29, 1871; Ex. Doc., 48 Cong., 1 Sess., doc. 86, Appendix 21, p. 80.

3. U. S. For. Rel., 43 Cong., 2 Sess., Serial No. 1634, doc. 461; Sen. Doc., 45 Cong., 3 Sess., Serial No. 1831, doc. 73, Sec'y of State to Senate.





zens of the United States for railroad enterprises was stronger even than the prejudice against granting them to other nations, for the Mexicans feared closer connection with the United States would mean that that country would secure a hold on Mexico which might lead to further colonization and annexation of Mexican territory by the United States.

The opposition to railroads connecting Mexico with the frontier of the United States was strongly shown in the debates over a contract granted by the minister of public works to "Palmer and Co." of the United States. When the contract was submitted to the Mexican Congress for its approval, so great was the opposition to it, that it was only reported from the committee on the last day of the session and the report when finally given embodies several amendments showing the attitude of the party hostile to the United States. One of the amendments was "that the railroad toward the United States should not make a connection with the American system, but should be required to go to Tampico, or Matamoras, and thus the communication with the United States would be by water." The report concludes that the objects had in view in the making of these amendments have been to free Mexico from being made a colony or kind of dependency of the United States and to prevent the two countries



from being united by "iron bands."<sup>1</sup>

A contract was finally granted to Palmer & Co. in 1880 for the construction of a railroad from the City of Mexico to the Pacific,<sup>2</sup> but the unfavorable conditions of the contract are shown from the following extract from it: "The said company or companies which it may organize, and all the persons who may take part in the former or the latter as bondholders, employees, or in any other character whatever, shall be considered as Mexicans in everything connected with said enterprise within the territory of the republic. They cannot allege rights with respect to the interests or business relating to the enterprise, nor can they have, even when they allege a denial of justice, other rights or other means of enforcing them, in anything concerning the said enterprise, than those which the laws of the republic concede to Mexicans; nor shall they employ other proceedings than those established by the Mexican tribunals; the enterprise remaining, in consequence, deprived of all right of foreign nationality and the introduction of diplomatic agents in business relating to it being forever prohibited."<sup>3</sup>

The inability of the Mexican government to protect

1. Sen. Doc., 45 Cong., 3 Sess., Serial No. 1831, doc. 73, Mr. Foster to Mr. Evart, Jan. 28, 1879.

2. Ex. Doc., 48 Cong., 1 Sess., Serial No. 2200, doc. 86, Appendix No. 21, p. 80.

3. Sen. Doc., 45 Cong., 3 Sess., Serial No. 1831, doc. 73.



railroads in its territory and the advantages to be derived by both countries from railway connection between that country and the United States led to the introduction of certain resolutions in the United States Senate by Senator Morgan in 1878, as follows:

"Whereas the people of Mexico, animated with the love of free government which distinguishes the people of the United States of America, have long adhered to a republican form of government as that which is best suited to preserve their liberties, and have maintained their free republican institutions, under the embarrassment of the most adverse circumstances, with an honorable devotion to their principles, which merits the sympathy and regard of the American people; and,

"Whereas the most essential interests connected with the welfare and prosperity of the people of both governments in their various relations require that permanent peace should be maintained between them, and that confidence, good will, free intercourse, and liberal reciprocal advantages of trade and commerce should be established:

"Resolved by the Senate, the House of Representatives concurring therein:

"1. That in defining and settling by treaty relations of the United States of America with the Republic of Mexico, it is just and expedient and in accordance with the interests which the people of the United States have in the



maintenance of the right of self-government on this continent that the present boundaries between Mexico and the United States be guaranteed as permanent and inviolable.

"2. That it is proper that both governments shall engage that the territory of each shall be protected against conquest by any power residing beyond the seas.

"3. That it is expedient that liberal provision shall be made by treaty to secure to the people of both countries the equal and reciprocal advantages of intercourse, trade and commerce with each other, and that, to increase the advantages of such intercourse and to place upon a stable footing the peace and friendship of the two republics, it is expedient that such mutual agreements shall be entered into as will protect the borders of both countries from the predatory raids of bands of outlaws, and that persons who are citizens of either country residing in the other shall enjoy the rights of hospitality secured to the citizens of the most favored countries, and shall be free from all unlawful interferences with or arbitrary exactions and assessments upon their persons or property.

"4. And it is also expedient to provide by treaty for the protection and encouragement of such citizens of either country as shall with the consent of the government of Mexico build and equip a line of railroad from the City of Mexico to the Rio Grande, in the direction of





San Antonio, or in Texas, to any point in the borders of the United States to connect with a line or lines of railroad at the boundaries between the United States and Mexico, and to secure the safe transit of the citizens of each republic and their property over such line or lines of railroad within the territory of each republic, subject to such commercial regulations as shall from time to time be agreed upon by the respective governments."<sup>1</sup>

By the direction of the President of Mexico, Señor Romero answered Senator Morgan's resolutions, in part thus: "Mexico could not celebrate a treaty with the United States nor with any other power by means of which she would consent that a foreign government might guarantee the fulfillment of a private contract made by Mexico for the construction of a work within her own territory. This would be equivalent to recognizing beforehand, and in a solemn and formal manner, her impotency to comply with the obligations which she might contract; and a nation which should commence by recognizing this impotency would merit no respect whatever from the civilized world, and for its own decorum ought to abstain from celebrating a contract which it itself knows it could not fulfill unless stimulated and obliged by the nation whose guarantee it should accept for the fulfillment of the agree-

1. Sen. Doc., 45 Cong., 3 Sess., Serial No. 1831, doc. 73.



ment."<sup>1</sup>

From this time on, however, American projectors of such railroads met with greater success because of better conditions in Mexico under the Diaz administration, and the growth of liberal ideas among the Mexican people. One of the successful railroads was the "Sonora" extending from Guaymas to the frontier with a branch to Alamos in the State of Sonora, and connecting with the Santa Fe and Southern Pacific. The Mexican portion of the road was chartered with a subsidy of \$7,000 per kilometer from the government of Mexico. The portion of the line from Guaymas to Nogales was opened for traffic in 1882. Another railroad begun about this time was the "Mexican Central," which was granted a charter for the construction of a main line from Pass del Norte to the City of Mexico, with a branch line to the Pacific Ocean. Charters granted this company at different dates covered a branch line to the Gulf of Mexico. Work was begun at both ends of the main line and by December, 1883, 1,061 miles had been completed. Both these roads received their charters in 1880 and work was begun on each about the same time.<sup>2</sup>

The next year the Mexican International Railroad was

1. Sen. Doc., 45 Cong., 3 Sess., Serial No. 1831, doc. 73.

2. Ex. Doc., 48 Cong., 1 Sess., Serial No. 2200, doc. 86., Report of the Secretary of the Treasury..



chartered for the construction of a line from a point opposite Eagle Pass, Texas, to the interior of Mexico. An iron railroad bridge, constructed over the Rio Grande between Eagle Pass and Piedras Negras was the first permanent structure of the kind connecting the United States and Mexico. Another company built a railroad from Mexico City to the frontier at Laredo. Concessions were also granted to the Texas, Topolobampo and Pacific Railroad and Telegraph Company in 1881, and <sup>in</sup> 1882 to build a railroad from a point on the Gulf of California to a point opposite Eagle Pass, or Presidio del Rio Grande on the Rio Grande. A year later a contract was granted to the "Mexican Southern Railroad Company" by which the Mexican Oriental Interoceanic and International Railroad Company, represented by Mr. Jay Gould, and the Mexican Southern Railroad Company, represented by General U. S. Grant, were consolidated with the latter as president of the new company.

That railroads were welcomed now in Mexico is seen from a report on the same, which says that "Large and liberal franchises were granted to the American projectors of such railroads, with subventions to the amount of \$90,000,000, conditioned on the completion of the proposed lines." The same report shows that from 1866 to



January, 1883, forty-eight railroad charters which were still in force at the latter date had been granted by the government of Mexico and that by 1884, 1,800 miles of railroad had been constructed in Mexico by citizens of the United States, at an average cost of about \$25,000 per mile. It was estimated that about two-thirds of the capital was furnished by Americans. The international lines were controlled almost exclusively by Americans. By February, 1884, five of these lines crossing the Rio Grande were in process of construction.<sup>1</sup>

The introduction of international railroads into Mexico had a great commercial and political significance for that country. New markets were opened for her produce, and railway and telegraphic communication between different parts of the country made the protection of life and property more easy. The coming of American enterprises into the country also meant the introduction of new political ideas from that country.

#### 4. BONDS.

Another subject of commercial interest to citizens of the United States was the Mexican government bonds held by citizens of the United States. In 1865 bonds had been sold by the Mexican government in the United States. The interest payable semi-annually had

1. Ibid.





never been paid. The bonds were secured by lands and pledges on the revenue but the latter had been previously pledged to the European debt. The Mexican government in 1868 bought some of these bonds at 18-3/4 per cent of the face value and at 4 per cent respectively. The representative of the United States in Mexico was often called upon to give information in regard to these bonds, and wrote at some length to his government an account of the bonds issued and the action of Mexico in regard to these, their worthless character and the lack of faith evidenced by the government of Mexico in redeeming them at less than their face value.<sup>1</sup>

1. U. S. For. Rel., 45 Cong., 3 Sess., Serial No. 1842, Nos. 369-370, Oct. 8, 1878; Serial No. 1842, No. 342, May 4, 1878; Serial No. 1634, No. 458 and 459, Jan. 7 and 14, 1874; Diplomatic Corr., Vol. II, 1868, p. 417, 433, 446.



V.

CITIZENS OF THE UNITED STATES RESIDENT IN MEXICO.

In treating of the commercial interests of the United States in Mexico, Mr. Foster in his report in 1870<sup>1</sup> had mentioned the small number of citizens of the United States then engaged in business in Mexico, and the fact that many who were in Mexico had returned to the United States after the civil war. The reason for this may be found in the unfavorable conditions under which foreigners in Mexico lived. When a foreigner came to Mexico he must present papers showing his citizenship in the country from which he came or be liable to various troubles, such as impressment in the Mexican army. He was not allowed to own land or mines near the United States, as the Mexican government feared the colonization of her territory by citizens of the neighboring state. If he engaged in business in Mexico, he was liable to forced loans, especially in times of revolution, which were frequent, and sometimes even matriculation papers did not save him from impressment in the army, or imprisonment if he failed to serve. As the property of Mexicans was not safe even near Mexico City<sup>2</sup>, it is not strange that that of foreigners was often in peril, or that in turbulent times the lives of foreign-

1. See page 79 of this paper.

2. " " 86 " " "



ers were often in danger, especially in the religious agitation of part of this period.

#### 1. RESTRICTIONS UPON FOREIGNERS.

One of the disadvantages under which citizens of the United States in Mexico labored, was the necessity of matriculation. To be able to claim the rights due a citizen of another country under the law of nations, the Mexican government required that passports or papers issued by the State Department showing the citizenship of the person in question should be deposited with the Department of Foreign Affairs. If not a natural born citizen, naturalization papers were also required. This process was known as "Matriculation" and lists of matriculated citizens were published which were supposed to include all foreigners travelling in Mexico or resident in that country.

These laws and the interpretation placed upon them were open to some objection on the part of the United States. The objections were stated by Mr. Morgan, who succeeded Mr. Foster as the Minister of the United States to Mexico, as follows: "1st, That there is nothing in the laws of March, 1861, and 6th of December, 1866 (the laws upon which the position of the Mexican government upon the subject of matriculation was maintained, which precludes diplomatic intervention on behalf of foreigners who have not matricu-



lated in the Mexican Department of Foreign Affairs; 2nd, that these laws render inoperative and of no effect guarantees contained in several articles of the Mexican constitution, and, therefore, are not binding; 3rd, that they are in conflict with the law of nations, and, therefore, not obligatory upon the United States."<sup>1</sup> Another objection made by the government of the United States was that naturalization papers were required of naturalized citizens, whereas that government demanded that all passports issued by it should be honored without question.<sup>2</sup>

In the correspondence on the question of matriculation, the Minister of the United States was instructed to protest against the laws on this subject on the ground that they made the distinction between natural born and naturalized citizens. In one case the Mexican government refused to matriculate a man who was a naturalized citizen of the United States unless he presented his naturalization papers. Mr. Foster wrote that although the strict letter of the law required the naturalization papers, it had been the custom of the Mexican government to respect passports issued by the Department of State of the United States.<sup>3</sup> A protest was also made against

1. For. Rel., 47 Cong., 2 Sess., Serial No. 2090, doc. 218, Mr. Morgan to Señor Frelinghuysen, Sept. 27, 1882.

2. U. S. For. Rel., 42 Cong., 3 Sess., Serial No. 1552, doc. 289, Feb. 13, 1872.

3. U. S. For. Rel., 42 Cong., 3 Sess., Serial No. 1552, doc. 313, May 16, 1872.





the impressment of a citizen of the United States into the Mexican army because his name did not appear on the matriculation list.<sup>1</sup> The correspondence on the subject of matriculation resulted in an amicable adjustment of the matter between the United States and Mexico.

Another restriction placed upon citizens of the United States resident in Mexico was in regard to their right to own real estate or mines on the frontier. A law of 1856 said that foreigners should not own mines or land in the frontier states within twenty leagues of the frontier. A law passed in 1863 forbade citizens of the United States to own land in Mexico bordering on the United States.<sup>2</sup> When a contract was formed by the Mexican government for the colonization of the Island of Cjare in the Gulf of California, citizens of the United States were excluded from the rights of colonization. The government of the United States protested against the exclusion of its citizens from ownership of lands on the frontier. The government of Mexico on the other hand claimed the right to make any regulations it pleased in regard to ownership of land in Mexico. In defending the position of Mexico one of their officials, Señor

1. U. S. For. Rel., 46 Cong., 3 Sess., doc. 333, Dec. 1878.

2. U. S. For. Rel., Serial No. 1842, doc. 354, Mr. Foster to Mr. Evarts, Aug. 15, 1878.



Ruelas, aptly quoted an opinion of an American, Mr. Slidell, in 1846, who said: "It has never been pretended that the project of colonizing the territory of Texas with citizens from the United States was suggested by that government. It was the effect of the deliberate policy adopted by Mexico, and she should blame herself for the result, which the slightest foresight might have anticipated, of introducing a population whose character, habits, and opinions were so extremely opposite from those of the people with whom it was intended to amalgamate them."<sup>1</sup>

Although so opposed to colonization by citizens of the United States, Mexico gave a contract to a New York firm, "The Lower California Company", to introduce two hundred families into a district via Lower California, before the fourth of May, 1871. A protest was made from the consulate at San Francisco because La Paz was the only port of entry in Lower California and to land supplies at any other rendered vessel and cargo liable for infringing Mexican revenue laws.<sup>2</sup> This worked a hardship on the company and on colonists already landed at Magdalena Bay. The Mexican government accordingly opened Magdalena Bay as a port of entry, but complaint was made that the company was not fulfilling its contract - that it was

1. House Ex. Doc., 46 Cong., 2 Sess., Serial No. 1902, doc. 354, May 27, 1879.

2. U. S. For. Rel., 42 Cong., 2 Sess., pt. 1, doc. 280, Mr. Fish to Mr. Nelson, Feb. 25, 1871; Ibid, doc. 295, Mr. Nelson to Mr. Fish, Aug. 24, 1871.



landing single men instead of families - and that it was exploiting the land in a way forbidden by the contract. The company, therefore, forfeited its contract and the port at Magdalena Bay was closed.<sup>1</sup>

## 2. GRIEVANCES OF CITIZENS OF THE UNITED STATES IN MEXICO.

In spite of the restrictions placed upon foreigners and the unsafe condition of life and property in Mexico, some citizens of the United States resided there. The Minister of the United States to Mexico, in performing the duties of his office, often called the attention of his government and that of Mexico to some of the wrongs inflicted on these Americans resident in Mexico. Among these wrongs was the impunity with which Americans were murdered, the heavy loss to which they were subjected on account of forced loans, impressment into service in the Mexican army, and imprisonment without cause.

The fact that Americans were murdered in Mexico and that their murder was not avenged, called forth the earnest protests of the minister of the United States to that country. In 1874, Mr. Foster stated that in the short time he had been in charge of the legation, he had been officially informed by United States' consuls of thirteen murders of American citizens, no one of which to

1. U. S. For. Rel., 42 Cong., 2 Sess., pt. 1, doc. 299, Mr. Nelson to Mr. Fish, Sept. 26, 1871.



his knowledge had been punished.<sup>1</sup> One of the murders which aroused great indignation in the United States was that of Rev. J. L. Stevens, an American missionary who was murdered by a Mexican mob. Mr. Foster again and again demanded the punishment of those guilty of the murder, and expressed his indignation at the delay of the Mexican courts. The Mexican authorities finally tried and condemned a number of those implicated in the murder, but some of the more prominent among the accused escaped.<sup>2</sup>

A flagrant case of imprisonment without cause was that of Mr. John Jay Smith, a citizen of the United States who was arrested on the charge of being a spy and of having sold arms and ammunition while in Brownsville to General Cortina. There was no evidence against him and his imprisonment was attended with cruelty and indignity. The American consul applied for the release of Mr. Smith, but was not heeded. He also communicated with Lieutenant Commander Johnson and with the Secretary of State, but the latter thought military force could not be used without subjecting his government to the charge of beginning war. After several months imprisonment, Mr. Smith was released on his own cognizance.<sup>3</sup>

At different times there was complaint of the im-

1. U. S. For. Rel., 43 Cong., 2 Sess., Serial No. 1634, docs. 489, 490, 491.

2. U. S. For. Rel., 43 Cong., 2 Sess., Serial No. 1634, doc. 470, 472; U. S. For. Rel., 44 Cong., 2 Sess., Serial No. 1741, doc. 204.

3. Reports of Com., 45 Cong., 2 Sess., p. 356-367.





pressment of citizens of the United States in the Mexican army. In the case mentioned above of the impressment because of lack of matriculation, the Mexican authorities said that the person in question would be released if he could prove that he was a citizen of the United States. Other cases of illegal impressment took place during revolutionary uprisings. During the revolution of Diaz some Americans at Nueva Laredo were imprisoned for failing to do military duty when the town was besieged by the Lerdist. A spirited correspondence took place between the commercial agent of the United States and the town official- the latter claiming it was not military service but police duty that had been required. Mr. Foster wrote to the State Department an account of the occurrence.<sup>1</sup>

In 1880, Mr. Schuchardt gave information to Mr. Foster that Americans had been impressed in the Mexican army. This was contrary to Article IV of the treaty of 1831, which was included and revived in Article XVII of the Treaty of Guadalupe Hidalgo. The persons concerned were mostly Mexicans who had renounced their allegiance with Mexico to become citizens of the United States.<sup>2</sup>

The Mexican authorities in this year took the ground that the courts were open to those illegally impressed

1. U. S. For. Rel., 45 Cong., 3 Sess., Serial No. 1842, doc. 356.

2. U. S. For. Rel., 46 Cong., 3 Sess., Serial No. 1951, doc. 488.



into the army.<sup>1</sup> Mr. Blaine said that this was contrary to all international law and referred to the action of his government during the war of rebellion, when Mexicans were not allowed to be impressed into the army of the United States, and when they had been by mistake, they were released on request of the Mexican authorities.<sup>2</sup> The matter was settled by the release of three of the men in question and the desertion of another.<sup>3</sup>

Enforcement of loans was also a grievance of which citizens of the United States residing in Mexico had frequent cause for complaint. An explanation of this evil is given in the Report of the Committee on Foreign Affairs from which we quote the following passage: "The system of forced loans has by long usage become a peculiar Mexican institution. In the City of Mexico, and at the principal ports, it is often applied in a milder form, and amounts to an anticipation of the revenue only, as the wealthy merchants receive for the money exacted from them custom-house certificates at large discounts. Thus results the anomalous condition that, while commerce as a rule thrives in peace, and shrinks before war and lawlessness, some of the rich merchants who understand the

1. For. Rel., 47 Cong., 1 Sess., Serial No. 2009, doc. 442, Mr. Morgan to Mr. Evarts, Oct. 27, 1880.

2. Ibid, doc. 444, Mr. Evarts to Mr. Morgan, Dec. 8, 1880.

3. Ibid, doc. 448, Mr. Morgan to Mr. Evarts, Dec. 25, 1880.



management of the system, and make themselves useful to all parties, profit by continuous revolutions, and favor them; as they make the discounting of their customs duties at low rates a regular business, which gives them an advantage in trade over those who have less money and influence. The few gain while the many lose. But in the interior of the country the forced loans are much severer exactions. The entire Mexican population have grown up during civil wars, and a large class of people have come to make revolution their means of living. Every commotion gives them an opportunity for gain. In all these revolutionary movements there are no regular taxes to furnish the means, and the ordinary mode of sustaining the revolution and its necessary expenditure, is by forced loans, levied by the two contending parties. The amounts required are assessed among the men who are supposed to have money, and in proportion to their supposed means. The merchants are generally the men who have ready money, and, as trade is to a great extent in the hands of foreign merchants, the contributions fall principally on them. Moreover, they have no connections or friends, and are held legitimate prey. From being the means to support revolutions, forced loans have in many instances become the end and object of revolutions. They are levied in the name of the cause, and the payment is often enforced with the utmost rigor. Whether the



revolution is successful or not, is often quite immaterial; the main object being achieved when the money is obtained."<sup>1</sup> During the revolution of 1871-1872, and again in 1876, General Diaz had enforced loans which were not repaid. The United States claimed that these loans were contrary to treaty and not in accordance with the constitution of Mexico.

The British government had a treaty with Mexico in 1826 by which the citizens of Great Britain in Mexico were exempted from forced loans and in 1861 Mexico offered to extend this "to expressly include extraordinary contributions." As the United States had under the treaty of 1831 a clause giving them any rights of "the most favored nation," the Examiner of Claims of the State Department argued that citizens of the United States were equally exempt with those of Great Britain from forced loans, but this was not conceded by Mexico.<sup>2</sup>

The constitutionality of "extraordinary contributions" was brought into question by a Mexican citizen who applied to the federal court of the district in which he resided for "amparo," or protection from the enforcement of a tax levied in 1876, by President Lerdo in virtue of the "extraordinary faculties" conferred on him by the Mexican Congress. The case was decided in favor of

1. Reports of Com., 45 Cong., 2 Sess., Serial No. 1824, Report 701, p. XXVII.

2. Reports of Com., 45 Cong., 2 Sess., Serial No. 1824, No. 701.





the collection of the tax, but it was appealed to the supreme court, and that body reorganized under General Diaz, reversed the decision of the district court. The decision was based on the part of the constitution which gave the levying of taxes to Congress. This right of Congress the court claimed could not be delegated to the executive.<sup>1</sup> When citizens of the United States in Jalisco appealed to Mr. Foster against forced loans levied by the governor of that state by virtue of "ample powers," he advised them to appeal against the constitutionality of the measure to the Mexican courts.<sup>2</sup>

The loans levied in Jalisco had been a tax levied on all alike, but in the case of loans levied on Americans in Chihuahua there was more ground for complaint because of the violence and discrimination with which they were levied. American citizens were subject to the loans while Germans were not, and in some cases the loans were collected with violence. Mr. Scott, the American consul, wrote to Mr. Foster that, although the Mexican government was investigating the matter, Americans were afraid to give evidence because of the enmity of the local authorities.<sup>3</sup> One of these cases was taken to the courts and a decision was made in favor of the

1. Ibid, Appendix E, p. 388, Mr. Foster to Mr. Evarts, July 18, 1877.

2. U. S. For. Rel., 46 Cong., 2 Sess., Serial No. 1902, doc. 334, Dec. 9, 1878.

3. U. S. For. Rel., 45 Cong., 3 Sess., Serial No. 1842, doc. 329.



American citizen, but as his claim was made a part of the interior debt and the treasury was empty, he was unable to collect the money due him.<sup>1</sup> Another case of a forced loan in Chihuahua was money taken from the consul. During the revolution in that state in 1879 money of a certain company of which the consul was a member was brought to the American consulate for protection, but a company of soldiers forced an entrance and exacted a "loan" of \$1200. In answer to the protest of the consul, the Secretary of the United States replied that although there was nothing in the treaties of the United States with Mexico to prevent the search of the consulate, the loan ought to be repaid as it was unconstitutional and contrary to treaty.

A revolution in Lower California led to forced loans there in 1880, and imprisonment of those who did not pay. One man brought suit against the State of Sonora to recover the forced loan. The district court decided against the legality of the loan, and the suit was taken to the federal court, which confirmed the decision and referred it back to Sonora for payment.<sup>2</sup>

The United States made frequent protests against the custom of levying forced loans and endeavored to secure an agreement by which its citizens should be definitely

1. House Ex. Doc., 46 Cong., 3 Sess., Serial No. 1902, docs. 329 and 395.

2. U. S. For. Rel., 46 Cong., 3 Sess., Serial No. 1951, docs. 458, 459.



secured against such extortion. The Minister of the United States in Mexico advised his fellow citizens in Mexico to seek redress in the courts on the ground of the unconstitutionality of the loans, but also urged the federal government to treat the cases as matters subject to international law, as injuries for which satisfaction must be given to a nation friendly to Mexico. To give this satisfaction, it would be necessary for the federal government to repay the loans as a debt taking precedence over other expenses of the government, as otherwise a decision rendered by the courts where the treasury was bankrupt gave no satisfaction to the injured parties.



VI.

THE POSITION OF THE UNITED STATES IN REGARD  
TO THE REVOLUTIONS IN MEXICO.

Many of the grievances mentioned above arose from the revolutions in Mexico. From the expulsion of the French from Mexico to the accession of Diaz there was general unrest in Mexico and much of the correspondence of the Minister of the United States with the State Department is filled with accounts of internal troubles in Mexico; the position taken by the different leaders, and the progress of revolutionary movements in different parts of the country. While it was desirable that his government should be kept informed of the general progress of events in the neighboring republic, there were also events connected with the revolutionary movements which had a direct bearing upon the relations of the two governments, and which led to negotiations between the ministers representing those nations. Two subjects of diplomatic correspondence which had their origin in the Mexican revolutions, were those pertaining to neutrality, and to the formal recognition of Diaz. So many times in recent years had the people of Mexico revolted against existing authority, that the United States was slow to recognize the government of Diaz as permanent and lawful, and insisted that surety should be given that it was a settled govern-





ment, and that it should first give satisfaction for some matters in dispute between the two countries.

### 1. NEUTRALITY.

In consequence of these revolutionary movements, as stated above, the rights of neutral nations were brought into question. An act of the revolutionists in 1868 in seizing the steamer Forward and sailing to Guaymas, where they robbed a store and plundered the custom house, was a subject of controversy. It was thought at first that the store which had been robbed was owned by Americans and an investigation of the disturbance was made, but when it was found that no Americans had suffered from the outrage, the subject was dropped. During the later Diaz revolution a vessel flying the American flag was fired upon by the Mexicans at Acapulco. At the time, the city was seized by the opposing party and in consequence was attacked by a Mexican man of war. Mr. Sutter, the consul of the United States and other foreign consuls embarked in the boat of the former to make representations which might lead to cessation of the firing. Although the flag of the United States floated above the vessel, the Mexicans fired upon it.<sup>1</sup> Reparation was demanded by the United States for the insult offered her flag. After considerable delay the Mexican government tried and condemned the general in command for having failed to in-

1. For. Rel., 45 Cong., Serial No. 1793, doc. 230, July 3, 1877.



investigate the matter and fix the guilt.<sup>1</sup> Another indignity of which the United States complained was the arrest of one of her consuls for an act committed in self-defense. The consul was afterward released.<sup>2</sup>

Complaint was also made by the United States of the violation of the American consulate at Mazatlan. General F. O. Arce, military governor of the State of Sinaloa, under President Lerdo, took refuge with the American consul at Mazatlan. The consul reported the matter to the commander of the Diaz forces who promised to respect the consulate as a place of refuge. Nevertheless, General Arce was forcibly removed. The minister of the United States in Mexico demanded satisfaction for his government for this violation of the consulate and Mexico promised that the matter should be investigated.

In discussing military affairs on the frontier, we noticed that the revolutionary forces once violated the territory of the United States by crossing the border into Texas.<sup>3</sup> Mexico in turn made frequent complaint that the United States was not fulfilling her part as a neutral nation by preventing expeditions from being fitted out in

1. House Doc., Serial No. 1902, doc. 350, April 12, 1879.

2. U. S. For. Rel., 2 Sess., Mr. Foster to Mr. Evarts.

3. See page 69 of this paper.



the United States to assist the revolutionists. Complaints were made that such an expedition was being organized in New Orleans in 1868. Forty or fifty persons were arrested but released from lack of evidence.<sup>1</sup> Another case occurred in 1871, when American citizens at Tehauntepec were threatened by Mexicans for furnishing arms and inciting the town to revolution.<sup>2</sup> Again in 1872, the Mexican minister at Washington informed the Secretary that he had received letters from Mexican consuls, especially at San Francisco, California, and Brownsville, Texas, showing that American citizens were aiding the rebels. Small parties of men were engaged in the United States to cross into Mexico and aid the rebels and also to smuggle arms to them.<sup>3</sup>

In May 1877, Senor Villarta complained to Mr. Foster that Lerdo's Gen. Valdez was protected in Texas. Mr. Foster showed that Diaz had received the same protection.<sup>4</sup> But when the Mexican minister in the United States received word that Lerdo was organizing filibustering expeditions, Mr. Foster notified Mr. Evart that the latter might take such action as would preserve the neutrality of the United States.<sup>5</sup> Mr. Evart denied the charge that

1. Dipl. Corr., Mr. Plumb to Mr. Seward, July 11, 1868.

2. House Doc. 1502, doc. 281, Feb. 27, 1871, Mr. Nelson to Mr. Fish.

3. U. S. For. Rel., 42 Cong., 3 Sess., Serial No. 1553, No. 298, Mr. Fish to Mr. Nelson, March 9, 1872.

4. U. S. For. Rel., 45 Cong., 2 Sess., Serial No. 1793, doc. 223, May 28, 1877.

5. U. S. For. Rel., 45 Cong., 2 Sess., Serial No. 1793, doc. 233, July 21, 1877.



filibustering expeditions were being organized against Mexico in the United States.<sup>1</sup>

In 1878 Señor Cuellar called attention to reports from Texas newspapers and a dispatch from Gen. Ord showing that bands were preparing to invade Mexico. Attention was especially called to bands supposed to be organized in San Antonio. Señor Zamacona sent a communication from the Mexican consul at San Antonio in which the latter said: "The rebels are organizing in full view of the Texan authorities."<sup>2</sup> But evidence was not found of such expeditions. So late as 1880 rumors of a proposed invasion of Mexico by bands from the United States, caused the Secretary of War to issue orders to Gen. McDowell, commanding officer of the Pacific, to prevent such invasion. Forces collected by Gen. Marquez were forced to disband.<sup>3</sup>

If filibustering expeditions were fitted out by adventurers in the United States, they escaped the cognizance of the federal authorities and Mexico herself seems not to have doubted the good faith of the United States in trying to prevent these, for in a debate in the Mexican Congress in reply to an insinuation that filibustering

1. For. Rel., 1842, doc. 386, Oct. 30, 1878.

2. Ibid, docs. 380, 383, 384, 385.

3. U. S. For. Rel., 46 Cong., 3 Sess., Serial No. 1951, doc. 495, Mr. Hay to Señor Navarro, June 23, 1880; and doc. 497, July 27, 1880.





expeditions would come from the United States, Deputy Canedo said that he believed that the government at Washington was strong enough to prevent such action. Whenever information was given by Mexican officials that such expeditions were being prepared, an effort was made by the federal authorities of the United States to find and prevent them.

## 2. THE RECOGNITION OF THE GOVERNMENT OF DIAZ.

As we have seen, the United States endeavored to preserve a neutral attitude in the frequent revolutions in Mexico. During the revolution which placed Diaz at the head of the government<sup>in 1877</sup> of Mexico, formal diplomatic relations between the United States and Mexico ceased, and these relations were not renewed until after England and other countries of Europe had recognized the government of Diaz. The delay of the United States in recognizing the government of Diaz was the subject of much diplomatic controversy on the part of Mexico and the United States. Mexico regarded this delay as an unfriendly act.

The Secretary of State, Mr. Seward, explained to Mr. Foster, May 16, 1877, the attitude of the United States in not recognizing Diaz. He said that it had been the policy of the government of the United States to "accept and recognize the results of popular choice in Mexico,"



but in the present case it was waiting to see if the government of Diaz was the choice of the people, and to see if it would fulfill treaty obligations. The government of the United States had been pleased to learn that Diaz was desirous to see that treaties between the two countries were kept. The treaty of 1868 had been observed by paying the installment due, but other treaty obligations had not been fulfilled. "There have been raids and depredations upon the Texas frontier; theft, murder, arson, and plunder; violation of post-offices and custom-houses; incursions by armed men to destroy life or property; cattle-stealing has become a profitable occupation; military officials posted to protect the frontier are said to have protected the robbers; forced loans have been demanded, and American citizens have been compelled to submit to unjust and unequal exactions. Within the past few weeks the guides of an American commander have been seized and carried into the interior, with threats of summary execution; and a consul of the United States, in gross violation of international comity, has been imprisoned."<sup>1</sup> The President in his message took the same  
2  
ground.

Mr. Foster held a number of conferences with Señor

1. U. S. For. Rel., 45 Cong., 3 Sess., docs. 221 and 222, Mr. Seward to Mr. Foster.

2. Messages of the Presidents, Dec. 3, 1877.



Vallarta, with a view to settling the questions in dispute, the result of which he reported to the State Department. He summarized the matters upon which it was necessary to come to an agreement as follows: "Troubles on the Rio Grande frontier; the 'Zona Libre'; the proper disposition of the Indians in Coahuila and Chihuahua; the ratification of the boundary of the Rio Grande or the recognition of rights rendered uncertain consequent on the changes of the channel of said river; the abolition of the law which prevented American citizens from holding real estate on the frontier; the exemption of American citizens resident in Mexico from forced loans; the recognition and adjustment of claims of Americans arising from the Diaz revolution of 1871-72; the complaints of the seizure of the American vessels Dreadnaught and Montana, at Mazatlan; and the imprisonment of Consul Sutter and other outrages at Acapulco."<sup>1</sup>

In these and other conferences the Mexican representative did not give satisfactory replies to the questions in dispute. The Mexican government agreed as to the necessity of stopping the outrages on the frontier, but did not at this time concur with the government of the United States in the belief that permission for reciprocal crossing of troops was necessary. On the other points

1. Reports of Com., 45 Cong., 2 Sess., Report 701, p. 451, Mr. Foster to Mr. Evarts, Sept. 4, 1877.



there was a greater divergence of opinion.

Nevertheless as the government of Diaz professed itself embarrassed by the lack of "official relations with the United States, that government decided to recognize Diaz formally and to renew diplomatic relations. In taking this action, Mr. Foster was instructed by his government to say that the United States was pleased with the efforts made by Mexico to secure peace on the frontier, and was gratified by the prompt payment of two successive installments of money due by the award of the American-Mexican Claims Commission, which was considered as evidence of Mexico's intentions to preserve treaties. As Mexico claimed that the questions in dispute could be more satisfactorily settled by recognized diplomatic agents, the government of the United States, March 23, 1878, formally recognized Diaz as the President of Mexico.<sup>1</sup> That it was justified in doing so was proved by the satisfactory settlement in the next few years of most of the questions in dispute.

1.U.S. For. Rel., 45 Cong., 3 Sess., Mr. Evarts to Mr. Foster, March 23, 1878.





VII.

SITUATION AT THE CLOSE OF THE PERIOD.

We have seen that at the beginning of this period there were many matters in an unsatisfactory condition between the United States and Mexico. We shall now endeavor to see how far these matters had been adjusted during the period covered by this paper. Claims for damages going back to 1853, with the exception of two cases which were to remain subjects of negotiation until long after the original claimants were dead, had been settled. Of the Indians on the border, most of the Kickapoos had been removed to Indian Territory and other tribes residing in the United States were enrolled in carefully guarded reservations; while on the Mexican side many had been removed to the interior and most of those remaining near the border were quiet. The last hostile uprisings of these years had been ended by the troops on both sides of the river acting in hearty cooperation. As the borderland had become safer from Indians, so was it also freer from disorderly Mexicans and Americans, while any desperate characters who might remain would find it difficult to do acts of violence when the frontier was carefully patrolled on both sides by troops whose respective governments showed a determination to end the disorders hitherto prevalent. There was



no longer occasion for the violation of the territory of either nation as an agreement between the two powers made possible the crossing of troops in a lawful manner. By a decision of her courts, Mexico had given to the extradition treaty a liberal interpretation, and had in actual practice surrendered some of her own citizens to the United States when wanted for crimes committed within the borders of the latter country. Questions in regard to the boundary were to be settled by an international commission to survey and re-establish the line as defined in existing treaties. That the commerce of the two countries was also in a better condition than at the beginning of this period is seen by the fact that a new treaty of friendship had been made to foster the same. Although the "free zone" still continued to exist in spite of protests by the United States, the disadvantages of the same were overbalanced by the added facilities of commerce given by telegraphic and railway communication which had been established in this period. Instead of the unprofitable bonds of Mexico, American capital had found a better field for investment in the railroads of Mexico and other industrial fields. While the same restrictions on foreigners as to registration and ownership of lands and mines on the frontier still remained, there was no occasion for forced loans or military duty so long as the government of Diaz remained firmly established.



Better communication and a stronger central government also gave greater security to life and property in Mexico. Satisfaction had been given for firing upon an American ship and violating the American consulate during the revolution. The recognition of Diaz after he had been for sometime established as President of Mexico, <sup>had</sup> facilitated the settlement of some questions already in negotiation between the two countries, while the manifest desire of his government to maintain peace and order on the frontier, and to foster amicable relations with the neighboring nation seemed to promise continued friendly intercourse between the two republics.



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